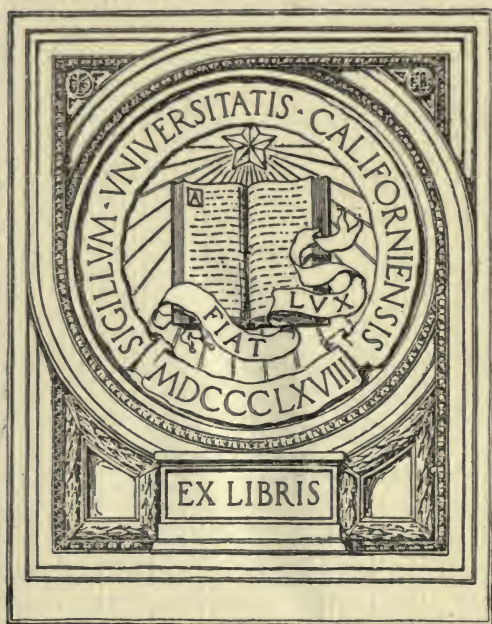


HISTORY AND GOVERNMENT OF NEW MEXICO

JOHN H. VAUGHAN






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HISTORY AND GOVERNMENT OF NEW MEXICO

BY

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By JOHN H. VAUGHAN

PREFACE

This book represents an effort to organize the almost four centuries of New Mexican history into one continuous narrative at once brief, readable, and reliable; and to present it in such form and language as to bring it within the grasp of boys and girls in our public schools. The General Readings and Special Topics that follow each chapter will furnish the guidance necessary for more mature students in the high schools and normal schools. It marks an advance over previous books in the same field in three important respects:

1. The story of the State has been lifted out of the class of local chronicles and treated on the large plane of American history, portraying the development of New Mexico from the earliest times to the present day, not in isolation, but as a part of the history of the great Southwest and in its true relation to the whole of North America.

2. The results of historical and scientific research in the history of the Southwest during recent years have been taken into full account, not as footnotes to pages of doubtful text, but as part of the warp and woof of the narrative itself. If, therefore, the work differs at many points from current traditions preserved in local chronicles, the reader will not need to infer that the writer was unaware of those traditions.

3. The period since the Civil War has been organized and brought into proper perspective so that the big events in the development of the Territory and the beginnings of the State may be not only known but understood.

This method of treatment has necessitated the exclusion of many interesting episodes and dramatic scenes as well as descriptions of numerous places and objects of great human interest, because, however interesting in themselves, they have had little direct bearing on the historic development of the State.

Space does not permit mentioning even the names of all who have generously assisted me. Yet I cannot deny myself the pleasure of acknowledging my indebtedness to my distinguished friend and teacher, Professor Herbert E. Bolton, of the University of Cali-

PREFACE

fornia; to Dr. Charles W. Hackett, of the University of Texas; to Professor Aurelio M. Espinosa, of Leland Stanford University; to Professors Roscoe R. Hill and Charles F. Coan, of the University of New Mexico; and to Mr. Lansing B. Bloom, of the school of American Research, whose knowledge of the Southwest has been constantly at my disposal. Chief Justice Clarence J. Roberts, of the State Supreme Court, and Vice President Charles E. Hodgkin, of the University of New Mexico, have read the section on Government and corrected many errors. My colleagues, Professors Alva P. Taylor and Merritt L. Hoblit and Mr. Clarence P. Wilson, of the State Agricultural College, have given valuable assistance in putting the manuscript into final shape and reading the proof. My wife has been the ever-present counselor through the years of preparation.

Though their counsel and advice have saved my feet from unmerous pitfalls in every part of the work, they are not responsible for any of the imperfections and errors that remain in the text. These are my own; and any teacher, pupil, or other reader who discovers an error and brings it to my attention for correction in a later edition will receive my sincere thanks.

JOHN H. VAUGHAN

State College, New Mexico
August, 1921

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PART I
THE HISTORY OF NEW MEXICO



THE PALACE OF THE GOVERNORS AT SANTA FÉ

CHAPTER I

THE LAND AND THE PEOPLE

I. THE LAND

1. Location and Size. — New Mexico is situated at the south end of the Rocky Mountain Division of States, between the parallels $31^{\circ} 20'$ and 37° north latitude, and the meridians 103° and 109° west longitude. Its average width from east to west is 335 miles; its extreme length from north to south, 390 miles; and its total area, 122,634 square miles. It is the fourth State in size among the forty-eight. If the six New England States and New Jersey, Delaware, and Pennsylvania were spread out on its surface, there would still be 790 square miles of ground uncovered.

2. Principal Geographic Features. — The whole State lies in the high plateau region of the southern Rocky Mountains on the backbone of the continent, and sends its waters part to the Gulf of Mexico and part to the Pacific Ocean. This great mountain ridge varies in altitude from 13,000 feet in the Sangre de Cristo (sän'grā dā krēs'tō) Range in the north to 4,000 feet in the south, with numerous irregular, outlying ranges. The White Mountains rise to almost 14,000 feet.

The State falls naturally into three distinct regions: the great western plateau, the narrow valley of the Rio Grande (rē'ō grän'dā), and the broad eastern plain. The altitude of most of the northern and western part ranges from

6,000 to 8,000 feet, that of the southeastern falls as low as 3,000, and the average for the whole State is about 5,000 feet. Its waters fall into three great drainage basins. The northeastern portion is tributary to the Mississippi through the Arkansas, Canadian, and Red rivers; the central and southeastern portion sends its waters to the Gulf of Mexico through the Rio Grande and its chief tributary, the Pecos (pā'kōs); and the western portion, lying in the Colorado (kō-lō-rā'thō) River basin of the Pacific slope, is drained by the San Juan (sän hwän), Little Colorado, and Gila (hē'lä) rivers. Of all these streams the Rio Grande is the most important. Flowing through the whole length of the State from north to south, it includes within its drainage basin the homes of nearly half the people of the State. Without its waters the fertile valleys of central New Mexico would be parts of the desert.

3. Climate. — Although the State lies in the same latitude as the Carolinas, Tennessee, and northern Georgia, Alabama, and Mississippi, its high altitude and dry air give complete relief from the disagreeable effects of extreme heat and humidity. The prevailing winds from the Pacific lose most of their moisture while coming across the high mountains farther to the west. Only the occasional winds from the Gulf of Mexico bring much rain, and the average annual rainfall of the State is barely fifteen inches. On some of the plains country it is as low as six or seven inches. In a few mountain sections of the north and west it runs as high as twenty-five or thirty inches. The skies are clear, sunshine is abundant, and, except in the high, mountain regions, heavy snows are almost unknown. The result is a pure, dry atmosphere, warm in the sun in winter and cool in the shade in summer, in which evaporation

goes on rapidly, bodily comfort is at the maximum, and conditions for human health and development are as good as can be found anywhere in the world.

4. Influence of Geography on History. — These geographic and climatic conditions have greatly influenced the State's history. The valley of the Rio Grande, walled in by high mountains on the east and west, was the natural highway for people coming from the south. Up this valley came the Spanish conquerors and colonizers of the State. In later centuries French and American pioneers from the Mississippi Valley were led into the northeastern region by the Arkansas, the Canadian, and the Red. Apache (ă-pă'chā) Canyon opened the gates of the Rockies and allowed them to enter the region of Santa Fé (săn'tă fā'). Later still the Gila and San Juan valleys pointed the way through the western mountains to the Pacific coast.

In like manner the slight rainfall limited the Spanish colonization of New Mexico to a narrow ribbon of settlements along the river valleys where there was flowing water for irrigation; while millions of acres of arid plains for grazing purposes made stock raising the principal industry. New Mexico was the greatest sheep raising province in the Mexican Republic.

II. THE PEOPLE

5. The Pueblo Indians. — The term "Pueblo" (pwěb'lō), the Spanish word for *village*, was applied by the Spaniards to all of the tribes living in stone or *adobe* (ă-thō'bā) houses grouped together in compact, permanent villages, to distinguish them from the Indians of the plains, who had no fixed habitations. The Pueblos occupied the country from northeastern Arizona east to the Pecos River,

and from Taos (tä'ōs) in the north to just below modern El Paso, and numbered probably 25,000 people living in sixty or seventy villages at the time the Spaniards first came to New Mexico. Their ancestors, the Cliff Dwellers, had occupied parts of a much larger area, extending farther north and south, and west to the Colorado River; and had built their houses in great canyon walls or almost inaccessible cliffs of rock, where they could more easily defend them against savage enemies.

But the Pueblos of historic times usually built their communal houses, also called "pueblos," in the river



PREHISTORIC RUINS AT AZTEC

valleys or on top of high mesas (mā'sä). These pueblos contained many small rooms grouped together in irregular fashion, sometimes in a solid square, sometimes in a hollow square, and in numerous other irregular outlines. They were usually several stories high, each story being smaller than the one below. There were no outside doors. The entrance was by means of ladders and trapdoors in the top of the rooms of each story. When these ladders were drawn up from the ground, the pueblo became a fortress



Courtesy of the School of American Research

CLIFF DWELLINGS IN THE FRIJOLES CANYON

against the attack of marauding enemies, and was impregnable until the Spaniards came with artillery. Since the American Occupation the danger has passed, and many pueblos now have doors opening on the ground floor.

In the high northwestern region where sandstone was abundant the houses were commonly built of that material, and in the lower valley regions *adobe*, or sun-dried brick, was used. But whatever the material, the work of building these wonderful "cities" was done chiefly by the women, with help from the men only in quarrying stone or bringing and putting into place the heavy beams used in making the roof. And all of the work was done by the hands of men and women, for the Pueblos had no horses or other beasts of burden until the Spaniards brought them in the sixteenth century.

Many of these massive structures have been destroyed by the ravages of time and by the Pueblos' wild Apache, Navajo (nä'vä-hô), Ute, and Comanche enemies, or abandoned for fear of these enemies. Ácoma' (ä'kô-mä), the Sky City, "the strangest and strongest that there can be in the world," on its tall perpendicular cliff in Valencia County, is believed to be the only pueblo inhabited to-day that was standing when Coronado (kô-rô-nä'thō) and Oñate (ō-nyä'tā) came to New Mexico. The others, in the intervening centuries, have been rebuilt, some of them several times and even on different locations.

6. The Kiva. — In the courtyard or elsewhere near each pueblo were the *kivas* (kē'vä), one for each clan. These kivas, called *estufas* (ēs-tōō'fä) by the Spaniards, were ceremonial chambers, round or square, generally underground, entered by ladders through a trapdoor in the top, and heated in very cold weather by a fire built in a pit in

the center of the floor. The kiva was the center of the life of the clan. In it the men assembled to discuss war and peace, to engage in religious rites, and to prepare for the great pagan festivals and other ceremonial occasions. Into it no woman was allowed to enter, and in it ceremonies are still performed which no white man has ever witnessed.



A KIVA AT ISLETA

Though the houses belong to the women, the kivas belong to the men.

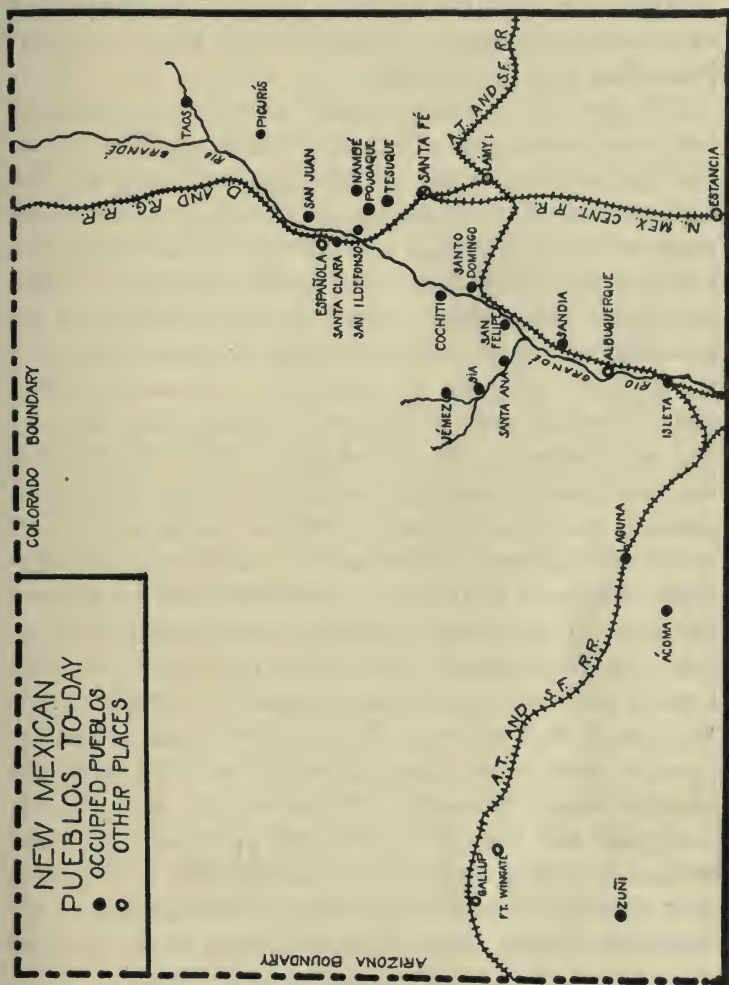
7. Pueblo Industries. — The chief manufactures carried on by the Pueblos at the time the Spaniards came were basket making, pottery, the dressing of skins, the weaving of cotton for their rude clothing, and the making of weapons. They made shields and bucklers of buffalo hide and used strong bows with flint-pointed arrows that would pierce a Spaniard's coat of mail. Their clothing was almost wholly

of deer skin and coarse cotton cloth, though they began to use wool for making clothing and blankets soon after the Spaniards brought sheep to the country. They were fond of wearing ornamental jewelry and trinkets, particularly turquoise necklaces and earrings.

In the valleys near their villages they carried on intensive agriculture or horticulture with regular systems of irrigation from flowing streams or reservoirs. In the southern valleys this work was done on a considerable scale. The chief crop was corn, the mainstay of Indian life. Cotton, pumpkins, melons, beans, chile (*chē'lā*), and onions were grown, though in smaller quantities. Wheat, peaches, and apples were unknown.

Part of their living came from the chase. Deer, antelope, and mountain lion were abundant, and buffalo could be had in the eastern sections. Turkeys in great numbers seem to have been domesticated and herded like sheep, though the Pueblos had no sheep, cattle, or horses. The dog was their only domestic animal.

8. Social and Religious Customs. — The social life of the Pueblos is simple, yet curiously interesting. The men cultivate the fields, spin, weave, knit, and make clothing. The women bring up the children, carry the water, grind the meal, prepare the food, and make the pottery. Marriage is arranged by the bride's parents and the priests of the clans. In 1565 Castañeda (*käs-tā-nyā'thä*) wrote: "When any man wishes to marry . . . [he] has to spin and weave a blanket and place it before the woman, who covers herself with it and becomes his wife." The husband then goes to live with his wife, becomes a member of her clan, lives in her house, and their children belong to her clan and take her name, not his. Only the wife has the



right of divorce, which she may exercise for very slight reasons, dismissing the husband from her house and clan and sending him back to live with his own people. In that case either may marry again.

Although the Pueblos readily accepted the outward forms and ceremonies of Catholic Christianity, they are to this day staunchly pagan at heart and still cling to their ancient beliefs and ceremonies. Each tribe is divided into a number of clans based on kinship. Each clan has its own priests who preside over its religious ceremonies. Their mythology and religious beliefs are too complicated for brief outline. Some of their rites are performed in secret, though other elaborate and impressive ceremonies, such as their "dances," are the occasion for great public festivity. The chief object of all these rites is *rain*. The Pueblos' very existence depends on their crops; and in this arid region it is always uncertain whether there will be rain enough to mature the corn. Believing that there are great reservoirs stored up in the heavens, the Pueblos seek the favor of those above, who control the rain and therefore the harvest.

9. The Wild Tribes. — The half-civilized and unwarlike Pueblos were not the only inhabitants of the region. The Navajos in the northwest, the Utes in the north, and the Apaches everywhere haunted rather than inhabited the country from Chihuahua (chě-wä'wä) to the Colorado mountains and from Arizona to the plains of Texas and Oklahoma. They and their roving kinsmen, the Comanches, who drifted in from the east at the beginning of the eighteenth century, were constant enemies of the Pueblos, always ready to take advantage of every opportunity to plunder and steal. They were equally ready to greet the Spaniards with tomahawk and scalping knife.

The Apaches had swarmed in from the eastern plains in the sixteenth century and spread over the whole region by the time the Spaniards planted their first settlement at San Juan (1598). Southwestern New Mexico and southeastern Arizona became their principal haunt. They lived largely on wild seeds, fruits, the products of the chase, and a little corn whenever they could steal it from the Pueblos and Spaniards. Though they now have some stock and do a little rude farming, they still live much as they did centuries ago. They are skilled makers of baskets and water-bottles. Predatory and warlike by nature, they are learning the ways of civilized life with exceeding slowness.

The Navajos in the northwest are kinsmen of the Apaches. The early Spaniards called them Navajo Apaches, from the Indian word *apachu* (ä-pä-chōō'), enemy, which the Zuñis (zōō'nyē) applied to them. Formerly they were poor hunters and herdsmen leading a wild, nomadic life. Now they are self-supporting and prosperous. They are expert silversmiths, and their blankets are famous all over the country. They live a simple life, commonly under an arbor, or shelter of brush, in the summer; and in winter, in a cone-shaped lodge, or "hogan" (hō'gän), made of poles leaned together at the top and covered with bark and earth or other material. The house and the goods in it, except the weapons and equipment of the husband, belong to the wife. The children also belong to her and her clan. These social customs together with their religious rites and ceremonies point to their probable kinship with the Pueblos.

10. The Spaniards. — New Mexico was discovered and settled by Spaniards, many of them born and bred in old

Spain in the greatest age of Spanish history. They were heroic explorers and colonizers, unafraid of danger and ready to suffer any hardships in order to spread the influence of their religion, to extend the power of their native land, and to win wealth and personal honor for themselves.



A NAVAJO HOGAN

With them they brought as their heritage the Spanish language, Spanish traditions and customs, and the Catholic faith. In this far-off wilderness they found only Indian neighbors, and for two centuries they had little direct contact with other peoples of the white race. They gave little attention to

learning the Indian dialects, but tried to teach the Indians Spanish instead. Their language continued to be sixteenth and seventeenth century Spanish with but little Indian or other foreign influence except among the lower classes who married Indian wives. The speech of the pure-blood Spaniard in New Mexico, therefore, continues to be of pure Spanish origin.

11. The French and Americans. — After about 1740 an occasional Frenchman found his way into New Mexico from the Mississippi Valley. Now and then one settled down and stayed in the country; but, until the beginning of the nineteenth century, they had little influence on the life of the colony. Then, after the United States purchased Louisiana in 1803, a small stream of American ex-

plorers, fur traders, trappers, merchants, and adventurers began to move this way. At first the numbers were not large, but this was the beginning of that famous American Pioneer element that became more numerous and influential after 1825. And whether they were of French, English, Scotch, or Irish descent, they were true Americans — the product of the pioneering spirit of the American West. Many of them settled down, married Spanish women out of the best New Mexican families, became



NORTH WING OF THE AZTEC RUIN

Showing Sandstone Pueblo Structure in Excellent State of Preservation.

influential members of society, and some of them became wealthy. After the American Occupation of New Mexico in 1846 their number was increased considerably, though there was still no great tide of immigration until a generation later, when, in the spring of 1879, the first railroad came through Ratón (rä-tōn') Pass into northeastern New Mexico. Since then the tide has flowed on unchecked, and to-day (1920) the population is fairly evenly divided between people of Spanish descent and those of Anglo-American origin, with the proportion of the latter steadily increasing.

How these peoples have built up here the great commonwealth of New Mexico is the story told in this book.

GENERAL READINGS

W. W. H. DAVIS, *The Spanish Conquest of New Mexico*, 17-113.

L. B. PRINCE, *A Concise History of New Mexico*, 13-51.

B. M. READ, *Illustrated History of New Mexico*, 33-56.

R. E. TWITCHELL, *The Leading Facts of New Mexican History*, I, 3-50.

SPECIAL TOPICS

1. THE PUEBLO INDIANS. F. W. Hodge, *Handbook of American Indians*, II, 316-325; L. Farrand, *Basis of American History* ("American Nation" Series, II), 181-187; C. F. Lumnis, *The Land of Poco Tiempo*, 27-74, 109-154, 251-310.

2. INDIAN SOCIETY AND RELIGION. L. Farrand, *Basis of American History*, 195-214.

3. AMERICAN INFLUENCE ON NEW MEXICAN SPANISH. A. M. Espinosa, "Speech Mixture in New Mexico," in *The Pacific Ocean in History*, 408-428.

QUESTIONS AND SUGGESTIONS

1. Give the latitude and longitude of New Mexico; its length, breadth, and area. Compare it with other States.

2. Where are the mountainous regions? the plains, the principal valleys? What are the three drainage basins?

3. Why is the climate so different from that of eastern States in the same latitude? What difference would it make in climate if the prevailing winds were from the east? If the altitude were low?

4. Mention three specific ways in which geography and climate have affected New Mexican history. Can you think of others?

5. Who were the Cliff Dwellers? Give two meanings of the word "pueblo." Describe the houses of the Pueblo Indians. Who built them? What is a kiva?

6. How did the Pueblos make their living before the Spaniards came? What did they eat? What did they wear? What kind of weapons did they have?

7. What was "man's work" among the Pueblos? "Woman's work"? How were marriages arranged? Who was head of the house?

8. What regions were roamed over by the Navajos? Apaches? Utes? Comanches?

9. Where did the Apaches come from? How did they live? What progress are they making?

10. Compare the Navajos with the Apaches in mode of life, industries, and progress. What evidences are there that they are kin to the Pueblos?

11. What three European peoples have played important parts in the history of the State? When did each come?

12. Why should we study New Mexican history?

CHAPTER II

THE COMING OF THE WHITE MAN

12. The Discovery of America. — At the close of the fifteenth century Spain was rapidly becoming the most powerful nation in Europe. She, therefore, became the leader in the great Age of Discovery and laid the foundations of her American empire a century before any other nation established colonies in North America. She furnished Columbus the ships, money, and sailors for the great voyage that brought him to the West India Islands in October, 1492. A year later (December, 1493) Columbus planted the Spanish colony of Isabella on the island of Haiti (hă'tī), called Española (ës-pä-nyō'lä) by the Spaniards — the first permanent European settlement in the New World. During the next half century Spain was the one country whose people added greatly to the world's knowledge of North America. Her seamen explored the coast from Nova Scotia to the Straits of Magellan. Her soldiers tramped over the country from Jamestown to the Pacific coast.

13. The Conquest of Mexico. — From their New-World center of operations in the West Indies the restless Spaniards quickly extended their colonies to the Isthmus of Panama and Central America. In April, 1519, Hernando Cortés (ër-năn'dô kôr-täs') landed on the coast of Mexico with a band of Spanish soldiers whom he had recruited in Cuba. Founding Vera Cruz (vā'rä krōōs') at his landing place and destroying his ships to cut off retreat, he set

out inland to conquer the continent. There was hard fighting to do, but success lay ahead. By the middle of August, 1521, he had conquered the Aztec (ăz'tĕk) kingdom



HERNANDO CORTÉS

and was in full control of Mexico City and the land of the Montezumas (môn-tā-sōo'mă). Two years later the Spanish king appointed him captain general and governor of this "New Spain" (modern Mexico).

But the ambition of Cortés, one of the greatest Spaniards of his age, was not satisfied. From Mexico City as a new base of Spanish power in America he pushed his operations in all directions. By October, 1531, a permanent settlement on the west coast had been planted as far north as Culiacán (kōo-lyă-kăn') in the modern state of Sinaloa (sē-nă-lō'ă).

14. Spaniards Arrive from the North. — Indian gossips filled the ears of these northward-moving pioneers with strange stories of the country of the "Seven Cities" far away across the northern deserts where people lived in large houses and possessed great wealth. Interest in those far-off and unknown regions was suddenly multiplied when one day in April, 1536, a group of white men came out of the northern wilderness and walked into the village of Culiacán, the northern outpost of New Spain. Who were these strangers? And whence had they come?

15. The Wanderings of Cabeza de Vaca. — Their leader was Álvarez Núñez Cabeza de Vaca (äl'vär nōō'nyās cā-bā'sä dā vä'kä), who had started out from Spain in 1527 as royal treasurer of the Narváez (när-vä'ās) expedition for the settlement of Florida. Sharing all the misfortunes of that ill-fated expedition in Cuba, Florida, and on the Gulf, he was finally shipwrecked on the coast of Texas in November, 1528. With him came also Andrés Dorantes (än-drās' dō-rän'tās), Alonso del Castillo Maldonado (ä-lōn'sō dēl kās-tē'yō mäl-dō-nä'thō), and Stephen, the Negro slave of Dorantes.

For seven years they had been slaves among the Indians of the Texas coast. Then in the summer of 1535 they escaped and started on their journey across the continent. Making their way from tribe to tribe as traders, medicine men, and jugglers, they went westward through Texas, crossed northern Mexico, and reached the Spanish settlements on the Gulf of California before the end of April, 1536, thus completing the first big chapter in the history of North American travel. Incidentally they had seen the great American buffalo and given to the world the first description of it. Perhaps, too, they had discovered the mouth of the Mississippi a dozen years before De Soto (dā sō'tō) saw it.

16. The Influence of Vaca's Story. — Although Vaca did not pass through any part of New Mexico, his journey had great influence on its history. The story of his wanderings held his Spanish kinsmen spellbound. He and his companions had lived the wild and savage life of the roving Indians for so many years that they "could not wear any [clothing] for some time, nor could we sleep anywhere else but on the ground."



Over beyond the northern mountains the Indians had told them of a country still farther to the north from which they got turquoises and emeralds, where the people built great cities and lived in houses many stories high — undoubtedly the New Mexican Pueblo villages in the land of the legendary Seven Cities. This was the first word about New Mexico ever carried to New Spain by any white man. It fired the imagination of the Spanish conquerors and led directly to the discovery of New Mexico by Friar Marcos de Niza (mär'kô's dā nē'sä) and the exploration by Coronado.

THE DISCOVERY OF NEW MEXICO

17. The Conquistadores. — The early Spaniards in North America represented the spirit and energy of Spain in her greatest century. Their achievements in the conquest of Central America, Perú, and Mexico gave them a new sense of the dignity and worth of the individual Spanish pioneer. They were the *conquistadores* (kôn-kēs-tä-thō'rās), conquerors, who gloried in overrunning vast new regions and conquering them for the Spanish dominions. Men filled with such a spirit could not fail to be stirred by the romantic story of Vaca's wonderful journey across the continent. Antonio de Mendoza (än-tō'nyō dā mēn-dō'sä), the progressive viceroy, began immediate preparations for a great military expedition into these northern lands. But before undertaking so ambitious and expensive an enterprise he thought it wise to send out a small exploring party to learn more of the country.

18. Friar Marcos de Niza. — The man selected to lead this exploring party was Marcos de Niza, a Franciscan friar who had been with Pizarro (pē-sär'rō) in the conquest

of Perú and then had been a frontier missionary in the northern portion of New Spain. For guide he was to have Stephen, the Negro slave who had accompanied Cabeza de Vaca. With them went six Indian interpreters who had been at Mexico City learning the Spanish language and Christian customs.

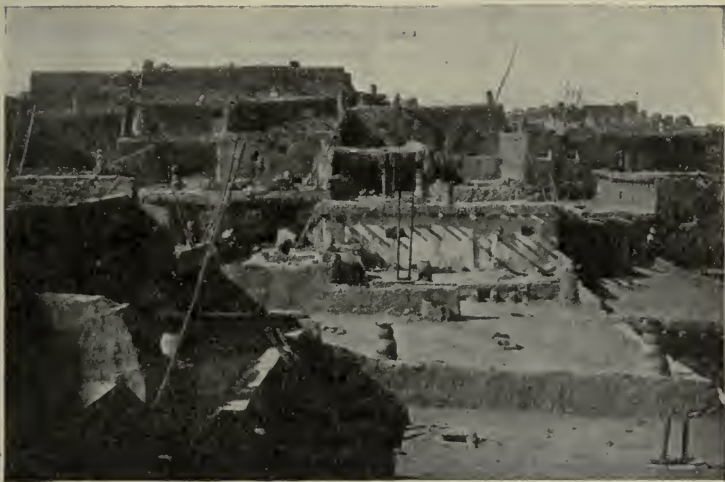
This lone frontier missionary priest and explorer, with fewer companions than he had fingers on his hands, was starting out for a whole summer's journey through the unknown north, with no trail to guide his feet nor any protection from the savage tribes through whose country he might travel — a region in which to this day the traveler who strays from the beaten trail may easily lose his life.

19. Friar Marcos Goes Northward. — Setting out from Culiacán on March 7, 1539, Friar Marcos followed the west coast to the Sonora Valley. Stopping there for some much-needed rest, he sent Stephen ahead to explore the country and report to him. If the country was unusually good, the Negro was to send a cross two hands long; if it was as rich and populous as New Spain, a still larger cross. The fourth day afterward an Indian messenger came back bringing "a very large cross, *as tall as a man!*" The Indian also told him that there were seven great cities in the first province, with large houses two, three, and four stories high. They were built of stone and lime, and the doorways were ornamented with turquoises, of which there was great abundance. There were other provinces further on much greater than these Seven Cities.

20. New Mexico Discovered. — Friar Marcos now pressed forward over the burning deserts of northern Mexico and southeastern Arizona, in eager search for the Seven Cities. But he did not overtake Stephen. The Negro

reached Zuñi first, only to be taken for a spy and killed. One quaint Indian legend runs that their wise men took him out of the pueblo during the night and "gave him a powerful kick, which sped him through the air back to the south, whence he came!"

Black Stephen, fully two hundred miles ahead, had seen New Mexico first; but it was Friar Marcos, the first white



THE TERRACES OF ZUÑI

man to set foot on her soil, who discovered New Mexico for the world and started the tide of civilization moving this way. From the top of a near-by mesa, late in May, 1539, he beheld the Zuñi pueblo of Hawikuh (hä-wē-kōō') in the western part of McKinley County. It was the first of the Seven Cities henceforth to be known as the Seven Cities of Cíbola (sē'bō-lä). The Zuñis had been so aroused by the coming of Stephen that Friar Marcos was not allowed to come nearer. Like Moses of old, he beheld the Promised

Land, but was not allowed to enter. He erected a cross and took possession of the country for Spain, naming it the "Kingdom of St. Francis."

21. The Return of Friar Marcos. — Hastily retracing his steps, "with far more fright than food," Marcos was soon back in New Spain, reporting to the viceroy. He had discovered New Mexico, seen the many-storied houses of the Zuñis, some of whose people wore turquoises suspended from their noses and ears. From the Indians along the way he had heard glowing stories of great cities, populous nations, and lands abounding in wealth. These stories lost nothing as they passed from mouth to mouth among the adventurers of the northern frontier in the fall of 1539. They took New Spain by storm. Everybody wanted to share in the wealth and glory of conquering the new land for Spain. It looked as if the country around Mexico City were going to be depopulated, so great was the general desire of the Spaniards to try their fortunes in the north.

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SPECIAL TOPICS

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1919), 111-142, 205-259; F. W. Hodge (*ed.*), "The Narrative of Álvar Núñez Cabeza de Vaca," in *Spanish Explorers in the Southern United States* ("Original Narratives" Series), 1-126.

2. THE DISCOVERY BY FRIAR MARCOS. A. F. Bandelier, "The Discovery of New Mexico by Fray Marcos of Nizza," in *Magazine of Western History*, IV (Sept., 1886), 659-670; G. P. Winship, "The Coronado Expedition, 1540-1542," 353-373; F. W. Hodge (*ed.*), "The Narrative of the Expedition of Coronado, by Pedro de Castañeda," in *Spanish Explorers in the Southern United States*, 273-290.

QUESTIONS AND SUGGESTIONS

1. Why was Spain the leader in the discovery and exploration of North America?

2. When was the conquest of Mexico begun? What kind of man was Cortés? What was "New Spain"?

3. How did the Spaniards first learn about the "Seven Cities"? When did they first hear of that country from white men?

4. How did Cabeza de Vaca come to be in the northern part of New Spain? What importance has his journey for New Mexico history?

5. Who were the *conquistadores*? Do you admire their courage and daring?

6. Who was Friar Marcos de Niza? Stephen? Trace the route of their journey to the north. Locate Vera Cruz, Mexico City, Culiacán, the Sonora River.

7. Who discovered New Mexico? When? Where? Find Zuñi on your map. What name did Friar Marcos give to the country? What became of Stephen?

8. What stories did Marcos hear from the Indians along the way? What effect did his report have in New Spain that fall?

CHAPTER III

EXPLORATION AND CONQUEST, 1540-1595

I. THE CORONADO EXPEDITION, 1540-1542

22. A New Era Begins. — The report of Friar Marcos marked the beginning of a new era. The soldiers and adventurers around Mexico City welcomed the prospect of a new field of operations and new lands to conquer. Viceroy Antonio de Mendoza immediately began preparations for such an enterprise. He selected Compostela (kôm-pō-stā'lä) on the Pacific coast as the assembling place for the expedition, and appointed his friend Francisco Vásquez (väs'käs) Coronado as captain general with Friar Marcos de Niza as guide.

February 22, 1540, the army passed in final review before the viceroy at Compostela and the next day started away to the north. Two hundred gentlemen on horseback, clad in shining helmets and coats of armor, with lances erect and swords hanging by their sides, were followed by seventy footmen carrying crossbows or swords and shields. Seven or eight hundred Indians drove the great pack train loaded with baggage and supplies and herded the stock furnished to supply the expedition with fresh meat.

Turning away up the coast to the northwest by Culiacán, Coronado followed the route of Friar Marcos and Stephen the year before. Going ahead from Culiacán with an ad-

vance guard, he reached Zuñi on July 7. The main army followed more slowly.

23. Beginning of the Conquest. — The Zuñis had sent away their women and prepared to defend their village. After a sharp fight led by Coronado in person, the Spaniards captured it and secured a large amount of provisions, which were now “needed a great deal more than gold or silver.”



CORONADO CAPTURES ZUÑI

They named it “Granada” (grä-nä'thä) after the famous Moorish stronghold in southern Spain.

But they found no wealth there; and the soldiers complained so bitterly that Friar Marcos, the old hero-priest and guide, now broken in health and spirit, returned to New Spain.

Nor were the Indians any better satisfied than the Spaniards. These pale-faced foreigners, riding on horses, and fighting with thundersticks that shot out flashes of lightning, filled the Zuñis with dismay. The red men, therefore, gathered up such property as they could carry and fled to

the top of Thunder Mountain, the home of their war god.

24. Tusayan and the Grand Canyon. — From Zuñi Coronado began to direct the exploration of the country. Pedro de Tovar (pā'thrō dā tō-vār') with twenty followers went to the northwest and discovered the Tusayan (tōō-sā'yān) village in the Moqui (mō'kē) province of north-eastern Arizona. Then García López de Cárdenas (gār-sē'ä lō'pās dā kār'dā-nās) led a dozen companions across the desert beyond Tusayan to the Grand Canyon of the Colorado.

25. Alvarado Goes Eastward. — Of more importance for the history of New Mexico, however, was the movement of Hernando de Alvarado (äl-vä-rä'thō) to the eastward, blazing the direct trail by Ácoma, the oldest continuously inhabited settlement in the United States, to Puaray (pwä-rī'), which the Spaniards renamed "Tiguex" (tē-gwěsh'), the principal village of the Tigua (tē'gwä) Indians, on the east bank of the Rio Grande near the modern town of Bernalillo (bēr-nä-lē'yō). The place was so attractive that he sent word back to Coronado to bring the army there for winter quarters.

In the meantime Alvarado went farther eastward. A young chief from Cicuyé (sē-kōō-yā'), whom the Spaniards called Bigotes (bē-gō'tās), whiskers, had told him many stories of the buffalo country while he was at Zuñi. He, therefore, went over into the valley of the Pecos River to Cicuyé (the pueblo of Pecos), the home of Bigotes, and out on the plains to about the present eastern boundary of the State. At Pecos he also met a plains Indian, called "the Turk," who told him glowing tales of wealth in gold and silver to be found in his own country far to the east.

26. The First Winter at Tiguex. — Alvarado returned

to Tiguex, and by the end of November the entire force was encamped there for the winter. In need of supplies and especially clothing, blankets, and quarters, for protection against the unaccustomed cold weather, the Spaniards drove the Indians out of one of their villages and took from them such things as they wanted.

It was a high-handed procedure which quickly led to an Indian revolt. Then the Spaniards took a bloody vengeance. For fifty days they besieged the village, burning at the stake two hundred Indians who had laid down their arms under promise of pardon, "to make an example of them so that the other natives would fear the Spaniards."

Early one morning the Pueblos fled to the hills. Some of the soldiers pursued and killed many of them, while others plundered the town. Later Coronado attempted to make peace with them. But he could not induce them to return to their villages until after the army left the next spring.

27. Tales of "Quivira." — During that first winter at Tiguex, while the Spaniards were laying the foundations for Indian hostility for generations to come, they were also listening to the fabulous tales which led them out on the eastern plains. The Turk had come over from Cicuyé to tell them of the wealth of his country, Quivira (kē-vē'rā) to the northeast, in the hope of luring them out on the plains to die of thirst — an easy way to get rid of unwelcome strangers.

28. Coronado Goes to the Eastern Plains. — The lying tales of the Turk had their effect. Coronado's force broke camp at Tiguex, April 23, 1541, and started in search of Quivira. Crossing the mountains by Apache Canyon, then guided by the silvery waters of the Pecos flowing to-

ward the southeast, the army traveled down to the region of Puerto de Luna (pwěr'tô dā lōō'nä), built a bridge across the Pecos, and set out through the Clovis country to the buffalo plains. For many days they could see "nothing but cows and the sky." Thirty-seven days after leaving Tiguex they reached a pleasant river valley, probably the upper waters of the Brazos (brä'sôs) River in Texas.

29. The Army Returns to Tiguex. — By this time food was growing scarce, and there was no available supply except buffalo meat. None of the Turk's tales had come true or was likely to do so. The whole army was in danger. A council of the leaders, therefore, decided to send the main army under Captain Arellano (ä-rā-yä'nō) back to Tiguex. It returned by a more direct route, reaching the Pecos River in the Roswell region, going up the river to Pecos pueblo and over to Tiguex, making the journey in twenty-five days.

On their appearance the Indians again fled to the hills and could not be induced to return.

The soldiers, sorely disappointed because they could not accompany the General on his march to Quivira, turned their attention to exploring the country round about. By the time he came back that fall they had explored the whole Pueblo region of the Rio Grande Valley from Taos in the north to San Marcial (sän mär-syäl') in the south. They were staking out a large claim for Spain.

30. The March to Quivira. — From the Brazos River country in western Texas, Coronado, accompanied by thirty picked horsemen and half a dozen footmen, marched directly north to the Arkansas River, crossing near modern Dodge City, Kansas, and going northeast to the province of the Quiviras (Wichita Indians) in eastern Kansas.

The lying Turk, who had started out as guide, had been in chains since Coronado left his army in western Texas and was "made an example of" just before reaching Quivira.

The Quiviras (Wichitas) were barbarous, half-naked plains Indians, living in straw-covered mud huts, dressing in buffalo skins, and eating raw flesh. Their country was a disappointment. Coronado's captains explored it for fifty or seventy-five miles around, but found neither gold nor other valuable metal. In fact, the North American Indian knew nothing of gold until he learned it from the white man. His word for "metal" was the closest name to it.

31. The Second Winter at Tiguex. — Early in August Coronado and his men started back to New Mexico by a route close to the Cimarrón (sē-mär-rōn') Cut-Off of the later Santa Fé Trail (sec. 128). By the middle of October they were again at Tiguex, and the entire army had gone into winter quarters on the banks of the Rio Grande for a second time.

Coronado was now a sadder but wiser man. His captains, returning empty-handed from a whole summer's marching on the burning plains, were a downcast lot. They were hardly willing to obey his order that the winter should be spent in preparation for taking the whole force to the plains of eastern Kansas to make settlements the following spring. The long winter of 1541-1542 at Tiguex furnished ample opportunity for heated discussion between those who wished to continue with the General and those who were ready to abandon the whole enterprise. In the early spring of 1542 Coronado was thrown from his horse and run over by another horse. While he lay at the point of death, the army formed its plan to abandon the country.

32. The Last Days of Coronado. — Early in May the expedition set out on its return to New Spain. The homeward journey by way of Ácoma, Zuñi, and the old trail followed two years before is of little interest, though the end was pathetic. The men began dropping out as soon as they reached the northern settlements, and the great Commander reached Mexico City with less than a hundred followers.

When he made his report to Viceroy Mendoza that autumn, he was received with cold indifference. A little later he was relieved of the governorship of New Galicia — and forgotten. He had led the grandest exploring expedition ever fitted out in New Spain; but instead of wealth and honor, he reaped poverty and obscurity.

33. His Great Achievements. — Coronado had found no gold nor silver nor wealth of any kind. But he had explored the country three-fourths of the way from the Gulf of California to the Great Lakes, traversing Sinaloa, Sonora, Arizona, New Mexico, Texas, Oklahoma, and Kansas, and discovering the Grand Canyon. His men had explored New Mexico from east to west and from Taos in the north to the region of San Marcial and Roswell in the south.

Though Coronado died neglected and forgotten, he had added more territory to the crown of Spain than any other living man, and his labors formed the basis of the world's geographic knowledge of the southwestern portion of North America.

34. First Christian Missionaries in New Mexico. — Christian missionaries were among the pioneers in every Spanish land. Marcos de Niza, the discoverer of New Mexico, was a Franciscan friar. Three other Franciscans

came with Coronado in 1540 and remained in New Mexico when the General and his great expedition left in 1542.

Friars Juan de la Cruz (krōōs) and Luis de Escalona (lwēs dā ěs-kä-lō'nä), aged men, whose physical strength and vigor were gone, cast their lot with the Pueblos. Juan de la Cruz stayed at Tiguex, where he was killed by the Indians before the close of the year (probably November 25, 1542). Luis de Escalona went over to Cicuyé (Pecos). No Spanish legend or Indian tradition remains to tell his fate. The third of the missionaries was Juan de Padilla (pä-thē'yä), a young and vigorous fellow who had accompanied Coronado on all his wanderings. He had gone with Tovar to Tusayan and with Alvarado to the eastern plains in 1540, and had been one of the footmen who accompanied the General to Quivira in the summer of 1541. Now he chose to go back to the Quiviras (Wichitas) of eastern Kansas in the spring of 1542 for mission work. He was accompanied by Andrés del Campo (än-drās' dēl cäm'pō), a Portuguese soldier, and a few friendly Indians who had been brought along from New Spain. At first the Quiviras "loved him as a father," but in 1544 (probably November 30) they fell upon him and murdered him.

Del Campo and his companions fled. Eight or nine years later, after wandering across Oklahoma, Texas, and northeastern Mexico, they walked into Tampico (täm-pē'kō) on the Gulf coast, to tell another marvelous story of early American travel.

II. THE SECOND ERA OF EXPLORATION, 1581-1595

35. The Shifting Frontier of New Spain. — Forty years went by before the Pueblos saw another party of Europeans in their midst. The apparent failure of the Coronado

expedition caused the government to abandon temporarily all effort to settle the new country. Yet northern expansion was the natural outlet for the restless energy of the Spaniards in Mexico, and they did not wait for governmental encouragement. Gold seekers, explorers, and missionaries pushing out into the northern wilderness were quickly followed by cattlemen and colonists. Soon the northern frontier of settlement had crossed the central table lands and reached the upper waters of the Conchos (kōn'chōs) River at the Santa Bárbara (sän'tä bär'bä-rä) mines in southern Chihuahua, pointing the way for a more direct route to the land of the Pueblos.

36. The Name "New Mexico." — In 1567 Francisco Ibarra (ē-bär'rä), governor of New Biscay, led an expedition from the western coast across the mountains to Casas Grandes in northern Chihuahua near the southwestern border of modern New Mexico. So well did he like the country that he described it as "a new Mexico," that is, another country like the Valley of Mexico. A year later (1568) Francisco del Cano (kā'nō) discovered the "Lake of New Mexico," probably Lake Parras (pär'räs), in the country far to the north of Zacatecas (sä-kä-tä'käs). The name stuck, and soon came into common use as the designation for this northern region.

37. The Rodríguez Expedition, 1581-1582. — Friar Agustín Rodríguez (ä-gōōs-tēn' rō-drē'gās), a Franciscan missionary working among the rough frontiersmen of Santa Bárbara and San Bartolomé (bär-tō-lō-mä'), had become interested in the stories of the Pueblos and desired to convert them to Christianity. With two other Franciscans, Juan de Santa María (sän'tä mä-rē'ä) and Francisco López, and an escort of nine soldiers and traders under Francisco

Sánchez Chamuscado (sän'chās chā-mōos-cä'thō), he set out from Santa Bárbara June 6, 1581, accompanied by about sixteen Indian guides and servants. Following down the Conchos River to the Rio Grande and up that stream to the Pueblo country, they opened up a new and more direct route to New Mexico.

The pueblo of Puaray (the Tiguex of Coronado) near modern Bernalillo became their center of operations. Juan de Santa María, against the advice of both friars and soldiers, determined to return to Mexico. Hoping to find a still more direct route to the lower Rio Grande, he crossed the Sandía (sän-dé'ä) Mountains and set out toward El Paso. Three days later he was killed by the Indians.

38. Exploring the Country. — Both soldiers and priests were eager to learn about the country. They soon set off up the Jémez (hā'mās) River, turned eastward to visit the buffalo country, came back through the salt lakes region in Torrance County, went west to Zuñi and far-off Moqui, and then returned to Puaray. They saw sixty-one pueblos containing a population which was estimated at "more than one hundred and thirty thousand souls" and had heard of as many more—an enthusiastic exaggeration, of course.

39. Return of the Soldiers — Death of the Friars. — In January, 1582, Chamuscado and the soldiers started back down the Rio Grande to join their kinsmen around the Santa Bárbara mines. Fathers Rodríguez and López, with a few Indian servants, remained at Puaray to Christianize the Pueblos. The natives of Puaray, however, had not forgotten their harsh treatment at the hands of Coronado's captains forty years before; and in a short time they put an arrow through the heart of López and

allowed Rodríguez to bury him. A few days later they killed Rodríguez and threw his body into the Rio Grande.

The second effort to Christianize the Indians of New Mexico, like the first, had won martyrs' crowns.

40. The Espejo Expedition, 1582-1583. — These disasters did not chill the patriotic and missionary zeal of the Spanish pioneers. No sooner had the soldiers returned to Santa Bárbara and reported the death of Santa María



PREHISTORIC PICTOGRAPHS

and the leaving of Rodríguez and López at Puaray than the Franciscans bestirred themselves to send out a rescue party. Father Bernaldino Beltrán (bĕr-nāl-dē'nō bĕl-trăn'), of Durango, volunteered as leader, and was immediately joined by Antonio de Espejo (ĕs-pā'hō), a native of Córdoba (kôr-dō-vă) in Spain, now a

wealthy gentleman of Mexico engaged in working the Santa Bárbara mines. Espejo offered not only to furnish military protection for Father Beltrán, but to pay the whole expense of the expedition. In July the Indian servants who had been left in New Mexico suddenly appeared in Santa Bárbara and told of the death of another of the friars. Espejo and Beltrán, however, experienced many delays. Not until November 10, 1582, did they set out down the Conchos from San Bartolomé. Espejo had a command of fourteen soldiers. Father Beltrán was accompanied by a

few friends. With them came Indian guides and servants. Their pack train of a hundred and fifteen horses and mules was loaded with baggage, provisions, munitions, merchandise, and trinkets — for trade with the Indians was not lost sight of.

In the country below El Paso the Jumano (hōō-mă'nō) Indians told them of "three Christians and a negro" (Cabeza de Vaca and his companions) passing through their country many years before.

Just before reaching Puaray, Espejo and Beltrán learned from the Tigua Indians that all three of the Friars were dead. When the expedition camped at the pueblo, February 17, 1583, the guilty natives fled to the hills.

41. Exploration and Prospecting. — The object of getting information about the friars was now attained. The hope of rescuing any of them was at an end. But Espejo had still other interests at heart. A wealthy mine operator and man of affairs, he naturally turned his attention to exploring the region and examining its mineral prospects. He visited Sía (sé'ä) and Jémez, went west to Ácoma and Zuñi.

At Zuñi he heard of a Lake of Gold (*Laguna del Oro*) sixty days' journey to the westward, where the people "wore bracelets and earrings of gold." He did not find the fabled Lake of Gold, but the search for it led him first to Moqui and then far away to the upper waters of the Bill Williams Fork in western Arizona. "I found them," he says of the mines, "and with my own hands I extracted ore from them, said by those who know to be very rich and to contain much silver."

42. Return to New Spain. — Returning to Zuñi, Espejo found Father Beltrán, who was not in sympathy with his

schemes of exploration, ready to quit the country at once. Beltrán and nine companions returned by Ácoma to the Rio Grande and went south toward San Bartolomé. Espejo and eight soldiers who remained with him marched back to Puaray, visited the pueblos up the river to the region north of Santa Fé, then turned across the mountains to Cicuyé (Pecos), and went down the Pecos River, naming it "Rio de las Vacas" (rě'ô dā lās vā'kās) from the buffalo grazing on its banks. From about the present southern boundary of the State he crossed to the mouth of the Conchos and went up that stream to the settlements, September 20, 1583.

He had blazed the trail for a third line of approach from the northern settlements of New Spain to the Pueblo region of central and northern New Mexico.

43. The First White Woman in New Mexico. — In the Espejo expedition was a soldier, Miguel Sánchez Valenciano (mē-gāl' sän'chās vā-lěn-syā'nō), whose wife, Casilda (kā-sēl'dā), and three small sons, accompanied him on all the long tramp over central and western New Mexico. She was probably the first white woman within the borders of the State.

44. Espejo's Achievements. — Espejo, a private citizen, with no governmental aid, and with only fourteen Spanish soldiers, one friar, a few frontiersmen and friendly Indians, explored New Mexico almost as extensively as the great expedition of Coronado had done. He spent ten months in the country, had no serious trouble with the Indians, and did not lose a man.

As a practical miner and man of affairs not looking for nuggets of gold lying around on top of the ground, but depending upon the evidences of minerals in the moun-

tains ready to yield themselves to the miner's pick, he reported it a country of great mineral wealth. He also recommended it as a good grazing country with "lands suitable for fields and gardens, with or without irrigation." He estimated the Indian population at 253,000 — about ten times too large.

So enthusiastic was he about the region that he named it "Nueva Andalucía" (än-dä-lōō-sē'ä) for his native land in Spain. His report had more influence in bringing about the settlement of New Mexico than all previous ones combined.

45. Colonizing Schemes. — Espejo applied directly to the Spanish king, April 23, 1584, for authority to colonize the region as a new kingdom or viceroyalty to the north of Mexico. He offered to bring out a colony of four hundred men, including a hundred with families, and twenty-four Franciscan missionaries. He proposed to bring his colonists in two divisions: one up the Rio Grande, the other up the Pecos. Because of his "desire to increase the realms of your Majesty and the Catholic faith" he wished to finish his life "in the continuation of these discoveries and settlements." "I shall not be satisfied until I reach the coasts of the North and South seas."

Unfortunately for New Mexico his wish was not granted. Other ambitious men in New Spain were seeking similar honors. Cristóbal Martín (krēs-tō'bäl mär-tēn') had already (October, 1583) applied to the viceroy for colonizing authority. Others followed. Among them was Juan Bautista de Lomas (bow-tēs'tä dä lō'mäs), early in 1589, whose extravagant demands included making the members of his family titled nobles, giving them supreme power in the new kingdom for six generations, providing them with forty thousand servants, and many other things needless to

mention. The proposals of all these gentlemen were rejected.

46. Castaño de Sosa, 1590–1591. — While the government was dallying with propositions for settlements, Gaspar Castaño de Sosa (gäs-pär' käs-tä'nyô dā sō'sä), captain general of New Leon (lā-ôn'), made a bold dash for the honor



BASKET DANCE, SAN ILDEFONSO

of colonizing New Mexico. Relying on the provision of the Laws of Settlement of 1573, which permitted officers to make settlements in regions already discovered, provided they gave prompt notice of their action, he sent word to the viceroy and immediately started for the north, July 27, 1590. From his mining camp at New Almadén (äl-mä-thän'), now Monclova (mōn-klō'vā), he made his way to the Rio Grande and up the Pecos, which he called the Rio Salado (sä-lä'thō), or Salt River, to Cicuyé. With

him were a hundred and seventy persons, including women and children. He also had a wagon train of supplies and implements.

From Cicuyé he went over to San Ildefonso (ēl-dā-fōn'sō), Santa Clara, San Juan, and Taos, then back down the river by Santo Domingo (sän'tō dô-mēn'gō) and Tiguex to Isleta (ēs-lā'tä), below Albuquerque (äl-bōō-kēr'kā). In the meantime a company of fifty soldiers had come up the Rio Grande to arrest him. It was commanded by Captain Juan Morlete (môr-lā'tä), the jealous ruler of the neighboring frontier province of New Biscay, who had persuaded the viceroy that Sosa was trying to stir up rebellion. Down the Rio Grande and to Mexico City Sosa was taken as a prisoner to stand trial. His hope was blasted.

47. Humaña and Bonilla. — Another unauthorized attempt was made by Captains Humaña (ōō-mä'nyä) and Bonilla (bō-nē'yä), about 1593 or 1594. They came up from New Biscay with a small party, spent most of a year among the Pueblos, went out on the northeastern plains, visited a large Indian village on the Arkansas, and pushed on probably to the Platte River. Then they quarreled, Humaña murdered Bonilla, and the Indians in turn wiped out the party. We know the story only from the account of a New Mexican Indian named Joseph, who escaped and got back to New Mexico after a year's captivity among the Apaches.

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SPECIAL TOPICS

1. THE CORONADO EXPEDITION. G. P. Winship, "The Coronado Expedition, 1540-1542," in *Fourteenth Annual Report of the Bureau of Ethnology*, Part I, 362-613; F. W. Hodge (ed.), "The Narrative of the Expedition of Coronado, by Pedro de Castañeda," in *Spanish Explorers in the Southern United States* ("Original Narratives" Series), 273-387.

2. THE RODRÍGUEZ EXPEDITION. H. E. Bolton, *Spanish Exploration in the Southwest, 1542-1706* ("Original Narratives" Series), 135-160.

3. THE ESPEJO EXPEDITION. H. E. Bolton, Same as above, 161-195.

4. THE SOSA EXPEDITION. Dorothy Hull, "Castaño de Sosa's Expedition to New Mexico in 1590," in *Old Santa Fé*, III (Oct., 1916), 307-332.

QUESTIONS AND SUGGESTIONS

1. Give an account of the fitting out and equipment of the Coronado expedition. Who was the guide? What route did it follow?

2. What did the Spaniards find at Zuñi? What name did they give to the place? How did the Zuñis regard them? Why?

3. Who discovered the Moqui province? The Grand Canyon? What do you know about the Grand Canyon?

4. Why did Alvarado go east to the Rio Grande and out on the plains? Who was Bigotes? The Turk? Would you have believed their stories?

5. Where did Coronado's army spend the first winter? Were they justified in taking the Indians' houses and goods? In their punishment of the Indians for the revolt? Why?

6. What caused Coronado to go to the eastern plains in 1541? Why did the main army soon return to Tiguex? How did they spend the summer?

7. Where was Quivira? What did Coronado find there?

8. How did his men spend the winter of 1541-1542? Why did they return to New Spain?

9. Trace the route of Coronado's journey on your map, naming the important places visited. Did he fail? Was his treatment by the viceroy just? Why?

10. Who were the first missionaries to the Pueblos? Where were their headquarters? What became of them? Who was Juan de Padilla?

11. What changes took place in the frontier of New Spain between 1542 and 1581? How did the name "New Mexico" originate? When?

12. What were the objects of the Rodríguez expedition? Why was the new route better than the old one? What country was explored?

13. Tell about the work of Rodríguez, López, and Santa María.

14. What were the chief objects of the Espejo expedition? Who were the leading spirits in it? Draw a map of the regions explored. What name did they give to the country? Why?

15. Trace on your map the new route opened by Espejo as he returned to New Spain.

16. What report did Espejo make of the country? What did he propose to do?

17. Tell about the expedition of Castaño de Sosa. Why did he fail? Trace his route on your map.

18. Who were Humaña and Bonilla? What became of their expedition?

CHAPTER IV

PERMANENT SETTLEMENT, 1598-1609

48. The Call of the North. — The expeditions of Friar Marcos, Coronado, Rodríguez, Espejo, Sosa, and others had aroused so much interest in this northern country that it could not remain long unoccupied. The hope of planting a permanent settlement died in Sosa only to be born anew in others of his countrymen. Their patriotism, missionary zeal, and love of pioneering all spurred them on.

49. Juan de Oñate. — Espejo's report on the mineral prospects and other resources of the region had attracted the attention of Juan de Oñate, a wealthy miner of Zacatecas. His father, the famous Cristóbal de Oñate, a pioneer in the new, rich mining region of Zacatecas, was one of the most extensive mine operators in New Spain. Born in northern Mexico, probably in Zacatecas, in the first generation after the conquest, Oñate inherited the spirit and traditions of the frontier in an age when pioneering and conquest had become the ruling passion of his race. His wife was a granddaughter of Cortés and a great-granddaughter of Montezuma II, the last Aztec emperor.

50. His Plans for Colonization. — Backed by wealth and influence, Oñate applied to Viceroy Luis de Velasco (vā-lās'kō) for authority to colonize New Mexico. Finding the government empty-handed and unwilling to incur the expense of new northern ventures, he offered to fit out the expedition and employ two hundred soldiers at his own

expense. The friendly Viceroy Velasco accepted his proposition, September 15, 1595, and gave him a government subsidy with the usual grant of privileges and exemptions of first settlers to the colonists who should go with him.

A few weeks later a new and unfriendly viceroy came into office, and the opposition of Oñate's jealous rivals nearly wrecked the whole enterprise; but on February 28, 1596, the new viceroy approved the contract. A few weeks later Oñate and his followers left Mexico City for the north. One official inspection or investigation after another so delayed their progress that it was December, 1597, when they reached the Santa Bárbara mines on the Conchos River.

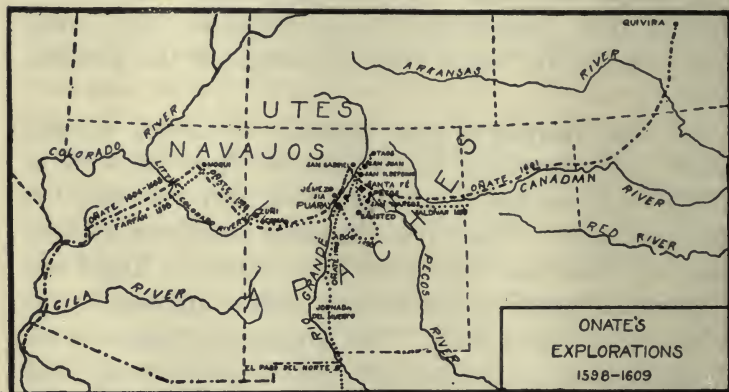
51. The Journey to New Mexico. — February 7, 1598, nearly two years after leaving Mexico City, the army of soldiers and settlers, numbering about four hundred, left Santa Bárbara. There were a hundred and thirty soldiers, some of whom had their wives and children. Ten Franciscan missionaries under Father Alonso Martínez (mārtē'nās) soon joined them. The baggage and supply train of eighty-three wagons and carts, with seven thousand head of stock driven on foot, brought up the rear of the long, slow-moving procession that turned away into the northern wilderness.

Leaving the Conchos River route on the right, Oñate took a still more direct route straight north to the Rio Grande, just below modern El Paso. When he crossed to the east bank, May 4, he named the ford "El Paso del Norte."

Oñate then took a small escort and went ahead to examine the country. The main body of the colonists followed more slowly. A hint at their hardships as they

crossed the terrible *Jornada del Muerto* (hõr-nä'thä dël mwër'tõ), Journey of Death, from modern Fort Selden to Cutter may be gotten from the name "Socorro" (succor, aid) which the famished Spaniards applied to one of the villages up the river because the natives there supplied them with corn.

52. First Settlement at San Juan. — After stopping at Santo Domingo and holding a parley with seven Indian chiefs representing thirty-four pueblos, Oñate sent his



nephew, Captain Vicente de Zaldívar (vē-sën'-tā dā sāl-dē'-vār), back down the Rio Grande to bring up the colonists while he himself moved on up the river to the pueblo of Caypa (kī'pä), which the Spaniards renamed "San Juan de los Caballeros" (kā-bä-yā'rōs), Saint John of the Cavaliers, in memory of the "knightly band of original settlers."

When Oñate took up headquarters by the pueblo of San Juan, *July 11, 1598*, he was beginning the permanent settlement of New Mexico. Five weeks later (*August 18*) the main body of colonists arrived and pitched camp near San

Juan, *the first capital of New Mexico*. Here in a fertile spot on the east bank of the Rio Grande, thirty miles north of Santa Fé, they were planting the second permanent colony in the present United States — nine years before Captain John Smith landed at Jamestown and more than two decades before the Pilgrims came to Plymouth.

While waiting for the arrival of his colonists, Governor Oñate visited the near-by pueblos of Taos, San Ildefonso, San Marcos, San Cristóbal, Pecos, Galisteo (gä-lēs-tā'ô), Santo Domingo, Sía, and Jémez and received their promises of friendship. Returning to San Juan, he and his men, assisted by fifteen hundred Indians, began the construction of an irrigation ditch for "the city of San Francisco" — a name which the friars had applied to their proposed new settlement.

53. Founding the First Missions. — Five days after the settlers arrived they began the building of a church. It was completed in two weeks and dedicated September 8 — the first Christian temple in the western portion of the United States.

The next day (September 9) Oñate held a grand council at San Juan. The Pueblo chiefs from all the region came and made their submission and agreed to receive Christian missionaries. The province was divided into seven mission districts, including the whole Pueblo region from Taos to San Marcial and even Zuñi and far-off Moqui as well as the country of the bloodthirsty Apaches and Navajos.

Then eight Franciscan missionaries went out to take charge of these dangerous posts separated from each other by miles of trackless forest or burning desert, with no protection nor even the comforting sight of a familiar face. There was always danger from Indian violence; and the

improvidence of the Indians made starvation a constant menace to the missionary who was dependent upon them.

54. The First Winter at San Juan. — The first winter at San Juan, like the first winter at Jamestown and Plymouth, was a hard one. The colonists arrived late in a season of great drouth when the crops of the Indians had been almost a complete failure. Even the friendly San Juan Indians did not have a food supply large enough for themselves and the newcomers. A few of the settlers became discouraged and returned to New Spain.

Other troubles were due to mischief makers. Mutiny broke out among the soldiers in the very first month of the colony. Dissatisfied because they did not find "whole plates of silver lying on the ground" and because Oñate would not let them maltreat the Indians, they formed a gang to flee to New Spain. Four of them did steal some horses and flee to Santa Bárbara.

On the whole, however, the settlers stood firm. Of the same sturdy stock that had conquered New Spain, they had the courage to face the hardships of planting a new colony in the unbroken wilderness of New Mexico.

55. Exploration in the Fall of 1598. — The geography of the continent was yet largely unknown. New Mexico was supposed to be near the northern strait connecting the Atlantic and Pacific. The colony was regarded as an important base for northern exploration. With the colony established and the missions located, Oñate, therefore, turned his attention to the lands beyond.

In September (1598) he sent Captain Vicente de Zaldívar with sixty men to the eastward by way of Apache Canyon, Pecos, and the Canadian River to about the present eastern boundary of the State. Without waiting for the re-

turn of this party the Governor himself went south by Cañada (kā-nyä'thä) and San Marcos to the salt lakes in Torrance County, then turned west across the Manzano Mountains by Abó and Puaray to Ácoma, Zuñi, and Moqui. From Moqui he sent Captain Marcos Farfán (fär-fän') into western Arizona to search for the mines reported by Espejo (sec. 41). Farfán's report runs: "They are so long and wide that half of the people of New Spain can have mines there."

56. The Revolt of Ácoma. — As Oñate started back from Zuñi in December to spend Christmas with his colony at San Juan he learned of the first disastrous encounter of his men with the Pueblos.

As he went west in October the famous old sky city of Ácoma had received him without resistance and had promised allegiance to the Spaniards. Now he learned that the Ácomas had risen in revolt and murdered Captain Juan de Zaldívar and many of his men, who had started west to join the Governor's expedition. The few who escaped bore the news to Oñate, who was returning from Arizona, and to the wives and friends of the murdered men at San Juan.

57. The Punishment of Ácoma. — What would the Spaniards do with Ácoma? The Indians were waiting for the answer to that question before making their next move. The bloody Ácomas must be punished or New Mexico must be abandoned. Christmas festivities were forgotten. A solemn council of war reached a quick decision. Vicente de Zaldívar, brother of the murdered Captain, took seventy picked men and set out to punish Ácoma, one of America's strongest natural fortresses. They began the attack on the morning of January 22, 1599. The fight lasted two

whole days and part of the third. At first the advantage was with the Ácomas. But when the Spaniards gained the top of the cliff, three hundred and fifty feet above the surrounding plain, the tide turned. By the close of the second day the pueblo was on fire and many of the braves were dead. On the morning of the third day the last of the inhabitants surrendered and were sent away to settle on the plains below. The City of the Sky was destroyed.

Ácoma, the impregnable fortress, had fallen. Henceforth Oñate met no organized resistance from the Indians of New Mexico. They had had their lesson.

58. The Founding of San Gabriel. — The colony had passed its first winter and weathered its first storm. In the spring the Governor made a long report to the viceroy, praising the country as a place for permanent settlement and asking for large reënforcements.

Soon the colony moved from San Juan across to the west side of the Rio Grande and founded San Gabriel (sän gä-bryäl'), the *second capital*. The exact date is not known. When Oñate made his report to the viceroy, March 2, 1599, he was still at San Juan; two years later a colonist named Luis de Velasco wrote a complaint against Oñate's rule, dated "San Gabriel, March 22, 1601." The change was, therefore, made between those dates.

59. Oñate's Quivira Expedition, 1601. — In June, 1601, Oñate found the opportunity for carrying out a plan he had long cherished of going to Quivira. With seventy or eighty soldiers and numerous servants he took the old trail of Captain Zaldívar (sec. 55) by Pecos and the Canadian Valley to the Arkansas and across into eastern Kansas, where Coronado had gone sixty years before. Joseph, the survivor of the Humana expedition (sec. 47), went with

him as guide and interpreter. The journey accomplished nothing beyond getting more information about the plains country and its inhabitants.

60. Abandonment of the Colony. — The absence of the Governor, however, gave free opportunity for the malcontents at San Gabriel to stir up trouble. When he returned, November 24, he found his colony almost abandoned. Many of the colonists and all of the missionaries except Alonso Martínez, the commissary, had gone to the Santa Bárbara mines and elsewhere. Captain Vicente de Zaldívar followed them, secured new missionaries and settlers, and brought back some of the deserters. Renewed energy brought prosperity and contentment in the colony and left the Governor free to entertain new plans of expansion.

61. Oñate Goes to the South Sea. — In the fall of 1604 Oñate gathered about him thirty horsemen and two priests and set out (October 7) on an expedition to the Pacific Ocean. Following the old trail of Coronado, Espejo, and Farfán, he crossed Arizona to the Colorado River, called by the Spaniards the River of Good Hope, also the Rio Tizón (*tē-sōn'*), Firebrand River, because "Always when these Indians travel they carry a lighted firebrand in the hand."

Following down the Colorado, Oñate reached the Gulf of California January 25, 1605, and took possession in the name of Spain. Four days later the party began the return journey, on which they saved themselves from starvation only by killing and eating their horses. April 25 they reached San Gabriel "all sound and well and not a man missing."

62. The Retirement of Oñate, 1608. — This was Oñate's

last great expedition as governor and captain general of New Mexico. His arduous campaigns and exacting duties as head of the infant colony had worn him out. The huge sums of money that he had paid out of his own private fortune had reduced him to poverty. Yet the colony was in great need of reënforcements that never came from Mexico City. In despair, therefore, he asked to be relieved of his office.

As he passes quietly from the scene, let us remember his great achievements. He had laid the corner stone of the State; had guided the colony through the first ten years of its infancy; had organized the first mission system among the New Mexican Indians; had explored New Mexico and the Southwest as extensively as Coronado, Esjepo, and all the rest of his predecessors combined; and had blazed the trail to the Gulf of California.

63. The Founding of Santa Fé.¹ — Governor Oñate's letter of resignation to the viceroy was written from his capital at San Gabriel, August 24, 1607. February 27 of the following year (1608) the viceroy appointed Juan Martínez de Montoya (môn-tō'yä), of San Gabriel, as temporary governor. The Cabildo (kā-bēl'dō), or council of citizens, at San Gabriel refused to recognize him and elected Oñate in his place. But the colonizer refused to serve, and they elected his son, Cristóbal Oñate. A year later the viceroy appointed Pedro de Peralta (pā'thrō dā pā-räl'tä) as governor and issued to him (March 30, 1609) instructions for the founding of a *new capital* so that the colony might "live with more regularity and permanence."

¹ For the data in this paragraph I am indebted to my friend, Professor Herbert E. Bolton, of the University of California, who has allowed me to use his unpublished monograph on *The Last Years of Oñate's Rule and the Founding of Santa Fé*, based on new manuscript materials which he discovered in the archives of Mexico.

There is reasonable probability, therefore, that Santa Fé was founded in the latter part of the year 1609, and entire certainty that it was not founded before that time. The first positive proof of its existence yet discovered dates from October 3, 1617.

With the moving of the government to Santa Fé, *the third capital*, in a region less exposed to the depredations of the Navajos, San Gabriel sank into insignificance and has been almost forgotten.

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- H. H. BANCROFT, *History of Arizona and New Mexico*, 110-158.
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SPECIAL TOPICS

1. JUAN DE OÑATE. B. Q. Cornish, "The Ancestry and Family of Juan de Oñate," in *The Pacific Ocean in History*, 452-466.
2. THE FOUNDING OF THE COLONY. H. E. Bolton, *Spanish Exploration in the Southwest, 1542-1706* ("Original Narratives" Series), 197-222.
3. OÑATE'S EXPLORATIONS. H. E. Bolton, Same as above, 223-280.

QUESTIONS AND SUGGESTIONS

1. After so many failures, why did not the Spaniards give up this region? Would you have done so?
2. Why did Oñate succeed where so many others had failed? Why was he willing to pay so much of the expense?
3. Give an account of his journey to New Mexico. Where is the *Jornada del Muerto*? How did Socorro get its name?
4. Locate the first settlement? How did Oñate and his men spend the first fall?
5. Give an account of the founding of the missions, the hardships of the missionaries.
6. Why is the first winter in a new colony usually a hard time? What troubles were there at San Juan?

7. Trace out on your map the regions explored by Oñate, Zaldívar, and Farfán in the fall of 1598.

8. Why must the revolt of Ácoma be quickly punished? What effect did it have?

9. When was San Gabriel founded?

10. What was the object of Oñate's Quivira expedition? What did it accomplish? Trace the route on your map.

11. What were the colonists doing during that time?

12. Give an account of Oñate's journey to the South Sea. Trace his route.

13. Why did he resign as governor? When? Was he as great a man as Captain John Smith? Greater? Why?

14. About what time was Santa Fé founded? Where was the first capital? Second? Third?

CHAPTER V

EXPANSION AND OVERTHROW, 1609-1680

I. INTERNAL DEVELOPMENT

64. New Point of View. — To understand the slow growth of the colony during the seventeenth century and the apparent neglect of its interests by the government at Mexico City, we must keep in mind certain important facts. (1) The Spanish authorities were interested in New Mexico as a northern outpost of Spanish power far up in the heart of the continent as a base of operations for further explorations. (2) The miners and adventurers of New Spain came to the colony in search of quick wealth and honors. (3) The Franciscans looked upon it as a new field to be won for the Catholic faith. Experience, however, quickly showed that as a source of easily gotten gold, such as the conquerors had found in Mexico and Perú, New Mexico was a disappointment. As a mining enterprise it was a failure. The colony became, therefore, primarily a venture in missionary work and northern exploration, neither of which called for large numbers of people.

65. Growth of the Missions. — With one brief interruption in the winter of 1601 (secs. 59, 60), the work of the missions went steadily forward from the time of their foundation by Oñate in the very first days of the colony (sec. 53). They received from the government a small amount of support in the way of supplies for the missionary

and his Indian wards. These supplies, supposed to be sent by pack train from the older portions of New Spain every three years, frequently did not come for five or six years at a time; and the missionaries had to depend largely on themselves and the improvident Indians.

66. Father Benavides, First Custodian. — In 1621 Father Alonso Benavides (bā-nā-vē'thās) came to New Mexico as the first custodian, or general supervisor, of the missions. With him came twenty-six new friars. Under his leadership the baptizing of the Indians went rapidly forward. When he left the province in 1629, he reported a Chris-

tianized native population of 60,000 souls living in ninety pueblos grouped into twenty-five missions with no less than fifty churches.

These figures, however, like those of all the other early explorers and settlers (secs. 38, 44), are greatly exaggerated; for the entire Pueblo population at the beginning of the seventeenth century was only about 25,000 (sec. 5).



OLD SAN MIGUEL CHURCH, SANTA FÉ

67. The First Church in Santa Fé. — In the

Memorial on New Mexico which Father Benavides presented to the Spanish king in 1630, he says of the "Villa of Santa Fé, the head of this Kingdom": "There lacked only the prin-

cipal [thing], which was the church. The one they had was a poor hut, for the religious attended first to building the churches for the Indians they were converting and with whom they were ministering and living. And so, as soon as I came in as Custodian [1622] I commenced to build the church and monastery — and to the glory of God our Lord, it would shine in whatsoever place.”

68. Mission Churches and Schools. — The mission churches at the pueblos were built by the Pueblo women,



SPANISH MISSION CHURCH AT ÁCOMA BEGUN ABOUT 1630

boys, and girls, while the men wove blankets, fought, hunted, and gave occasional assistance in putting the heavy beams into place. Each mission was intended to be not only a church but also a school for teaching the Indians reading, writing, singing, and the manual arts and crafts. In his primitive workshop the missionary taught the natives how to spin and weave and to do both useful and ornamental work in wood and metal.

69. Development of the Colony. — Throughout this era (1609-1680) Santa Fé was the only Spanish villa, or

incorporated town, in New Mexico. Santa Cruz de la Cañada, north of Santa Fé, was the only other "settlement" in 1680. Population grew with exceeding slowness. In 1617 there were but forty-eight white men in New Mexico. Then the Spanish government was stirred to give some aid in order to save the colony, and by 1630 Santa Fé had a Spanish population of two hundred and fifty with fifty half-breeds and seven hundred Indian servants.

As the years went by and settlers continued to come, they scattered out in the fertile valleys along the Rio Grande from Taos to Isleta, not realizing the necessity for settling in small compact groups for self-protection. For the Pueblo Indian had not yet proved how dangerous he was: his efforts at rebellion had been easily suppressed.

By 1680 the population had grown to about 2,800, somewhat more than half of it in the lower valley around modern Albuquerque, the remainder in the Santa Fé region and the upper valley.

70. The Founding of El Paso del Norte, 1659. — Between the struggling colony of New Mexico and the northern settlements of New Biscay (now Chihuahua) lay five or six hundred miles of uninhabited wilderness — a dangerous gap to leave unfilled. As the missions of New Biscay gradually pushed northward into this region the New Mexicans struck south and founded the mission of Guadalupe (gwä-thä-lōō'pā) del Paso, 1659, on the west bank of the Rio Grande where Juárez (hwä'rās) now stands. The corner stone of its first church was laid in 1662.

II. FRONTIER EXPLORATION AND TRADE

71. Widening the Frontiers. — While the friars were spreading the influence of the Church over the Pueblo

country from Taos to San Marcial and from Pecos to Zuñi and Moqui, and the settlers were taking possession of the Rio Grande Valley, the soldiers and traders were extending their knowledge of the surrounding regions. In this they were heartily seconded by the friars because it extended the field of mission work.

In 1630 Father Benavides urged the opening of an overland route from Santa Fé to Matagorda Bay on the Gulf



BENAVIDES'S PROPOSED ROUTE TO SANTA FÉ

coast in order to secure a shorter and more direct route from Havana to New Mexico and to avoid the long and difficult overland journey from Mexico City north.

In 1634 Captain Alonso Baca led an expedition eight hundred miles to the northeast in search of Quivira; and throughout the century New Mexican frontiersmen traded at El Cuartelejo (ěł kwär-tā-lā'hō), an Apache village north of the Arkansas.

72. Expansion into the Texas Country.— In 1629 Fathers Salas (sä'läs) and López with a few soldiers went a hundred leagues southeast of Santa Fé to the country

of the friendly Jumano Indians. Again in 1632 other friars journeyed through the same region two hundred leagues (more than 500 miles) and worked for six months among the Jumanos on the upper waters of the Colorado River of Texas. For the next fifty years, until the Pueblo Rebellion in 1680 (secs. 76-81), New Mexican traders visited this region regularly.

In 1650 and again in 1654 important military and trading expeditions from Santa Fé, the first under Captains



Hernando Martín and Diego del Castillo, the latter under Diego de Guadalajara (gwä-thä-lä-hä'rä), visited the Jumanos and went on down the Colorado to the land of the Tejas (tā'häs) Indians.

73. The Mendoza-López Expedition into Texas, 1684. — When the Pueblo Rebellion of 1680 (secs. 76-81) drove the Spaniards out of New Mexico, it also broke up their trade with the Jumanos. Three years later these Indians

came to the New Mexicans in the El Paso region (sec. 82) and asked that traders and missionaries be sent again to their people and the Tejas. The next spring an expedition under Captain Domínguez (dō-mēn'gās) de Mendoza and Father Nicolás (nē-kō-lās') López went east into Texas and traded, preached, and baptized among the Jumanos and Tejas of the Colorado River country most of the summer.

The viceroy became so interested in the region that he was planning to plant a permanent settlement there, when the landing of La Salle (lā sāl') at the mouth of the Lavaca (lä-vä'kä) River suddenly transferred Spanish interest from New Mexico and western Texas to the Gulf coast.

74. Trade Route to the Gila Country. — Expansion in another direction has been almost forgotten. New Mexican missionaries from the Socorro region began to work among the Gila Apaches as early as 1629. Soon a regular overland trade grew up between the New Mexican settlements and the Pima (pē'mä) Indians of the Gila and San Pedro valleys in southeastern Arizona, the New Mexicans bartering cloth, blankets, and knives for maize.

75. Summary on Expansion. — Thus, in addition to the ordinary affairs of colonial and missionary development, the New Mexican pioneers in the first three quarters of the seventeenth century had explored the country west to the Colorado River, north and east to the Arkansas and central Oklahoma, southeast to the middle Colorado and Brazos rivers in central Texas, and had definitely occupied the El Paso region. They were staking out a wide claim for the Spanish province of New Mexico.

III. THE PUEBLO REBELLION

76. Indian Discontent. — During this period of expansion and restless activity on the frontiers the development of the colony was hindered by bitter controversies between the Spanish political and religious authorities. A new danger, too, was appearing in the changed attitude of the Pueblo Indians. The services which they had rendered to the newcomers out of kindness in the early days of the colony were gradually systematized into tribute and forced labor which they were required to give. By 1630 they were supporting the colony at Santa Fé by tribute of cloth, corn, and other supplies, and seven hundred of them were "in service" there. The Spaniard had become a taskmaster, and the Indian was beginning to think of himself as a slave. Out of this situation trouble was sure to develop.

There were religious difficulties too. Though the Indians in great numbers had accepted the forms of Christianity, their hearts were still pagan. Their tribal ceremonies and customs were born and bred in them. No missionaries, however zealous, could wean them from the instinctive love for the pagan faith of their fathers.

77. Trouble Brewing. — By the middle of the century they were ready to strike a murderous blow for the freedom which their fathers had enjoyed. Their plot with the Apaches for a general massacre of the Spaniards leaked out, and Governor Fernando Concha (fěh-năn'dō kōn'chä) hanged nine of the leaders and sold others into slavery for ten years. Temporarily beaten, they sullenly waited for a better opportunity.

78. Plotting Rebellion. — In 1675 the governor hanged three of their medicine men for witchcraft and severely

punished more than forty others. One of the number imprisoned was a San Juan Indian named Popé (pô-pā'), who now began organizing the Pueblos to drive out the Spaniards. Driven from San Juan by the Spanish officials, he fled to Taos, where he received active assistance from Luis Tupatú (tōō-pä-tōō'), of Picurís (pē-kōō-rēs'). None but the leaders were to know of their plans until they were ready to strike. August 11, 1680, was the appointed time.



SAN JUAN PUEBLO TO-DAY

Swift runners carried the word throughout the Pueblo region. With the aid of the Apaches they would murder every priest, raid every ranch, and destroy the capital itself.

79. The Uprising, August 10. — On August 9, two days before the time set for the uprising, the plot became known. Reports came to Governor Antonio de Otermín (ô-tār-mēn') from Taos, Galisteo, and Pecos. Two Tesuque (tā-sōō'kā) plotters were arrested, brought to Santa Fé,

and made to tell their story under oath. The blow, therefore, must be struck at once or fail. Again swift messengers sped from pueblo to pueblo; and in the early morning hours of Saturday, August 10, the slaughter began.

It was a black Saturday for the Spaniards in New Mexico. Throughout the country to the north of Santa Fé very few escaped alive. Out of seventy in the Taos Valley only two got away. Down the river toward Isleta they fared somewhat better. Only about a hundred and twenty persons were killed there, while fifteen hundred escaped with the assistance of rescue parties organized by Alonso García, the governor's lieutenant in that section.

80. The Siege of Santa Fé. — The settlers in the Santa Fé region gathered in the capital and prepared for defense. August 15 the savage hordes, gathering from all directions, surrounded the village and sent to the governor two crosses, one white, the other red. If he chose the white cross and promised to abandon the country forever, he might go in peace. But if he chose the red one as a sign that the Spaniards intended to fight, the Indians meant to kill them to the last man.

The governor prepared for the life-and-death struggle. The Indians cut off the water supply and besieged the town. Starvation soon stared the Spaniards in the face; and early Tuesday morning, August 20, they rushed out, fell upon the sleeping Indians, killed three hundred, and took forty-seven captives. Fifteen hundred other braves fled to the hills.

81. Departure of the Spaniards. — Still the situation of the Spaniards was critical. Their kinsmen down the river who had escaped were already on their way toward El Paso. All the others were dead. Bloodthirsty Pueblos

and their Apache allies haunted the country in every direction. The next day (August 21) Governor Otermín and his little band of about a thousand men, women, and children moved out to the southwest, most of them on foot and carrying all their possessions in little bundles on their backs. The Indians watched them from the surrounding hills in stolid satisfaction and followed them seventy miles down the river to see that they kept moving on.

Havoc had been wrought throughout New Mexico. The Indians had not spared men, women, or children. Their victims numbered more than four hundred, including twenty-one Franciscan missionaries.

82. El Paso Becomes the Capital, 1680-1693. — In October the refugees settled along the west bank of the Rio Grande by the mission of Guadalupe del Paso, New Mexico's southern outpost, which now became the official residence of her governor. It was New Mexico's *fourth capital*. The reconquest was to take many years.

83. A Decade of Indian Freedom. — With the Spaniards gone the Pueblos began to celebrate their victory in true Indian fashion. Churches and altars were burned or torn down. Government records and everything that reminded them of Christianity and the Spaniards were destroyed. Indians who had been baptized by the Christian priests were publicly washed in the Santa Fé River to cleanse them of the stain. Christian marriages were annulled. The work of a century was undone.

GENERAL READINGS

- H. H. BANCROFT, *History of Arizona and New Mexico*, 157-185.
W. W. H. DAVIS, *The Spanish Conquest of New Mexico*, 279-306.
L. B. PRINCE, *A Concise History of New Mexico*, 105-114.
B. M. READ, *Illustrated History of New Mexico*, 249-271.

R. E. TWITCHELL, *The Leading Facts of New Mexican History*, I, 335-367.

SPECIAL TOPICS

1. NEW MEXICO IN THE TIME OF BENAVIDES. Mrs. E. E. Ayer (*tr.*), *The Memorial of Fray Alonso de Benavides, 1630*, Annotated by F. W. Hodge and C. F. Lummis; J. H. Vaughan, *History of Education in New Mexico*, Chapter III.

2. EXPLORATIONS INTO WESTERN TEXAS. H. E. Bolton, *Spanish Exploration in the Southwest, 1542-1706* ("Original Narratives" Series), 311-344, contains a scholarly Introduction on the general subject of eastern exploration, with a translation of the original narrative of the Mendoza-López Expedition of 1684.

3. THE PUEBLO REBELLION. C. W. Hackett, "The Revolt of the Pueblo Indians of New Mexico in 1680," in *The Quarterly* of the Texas State Historical Association, XV. (Oct., 1911), 93-147.

4. THE DEPARTURE OF THE SPANIARDS. C. W. Hackett, "Retreat of the Spaniards from New Mexico in 1680, and the Beginnings of El Paso," in *Southwestern Historical Quarterly*, XVI (Oct., 1912-Jan., 1913), 137-168, 259-276.

QUESTIONS AND SUGGESTIONS

1. What were the chief interests that led to the settlement of New Mexico? Why did the colony grow so slowly?

2. How were the missions supported? What else did the missionaries do besides teaching religion? Who was Father Alonso Benavides?

3. What do we know about the first church in Santa Fé?

4. How much did the population increase by 1680? Where did the settlers live?

5. Why was El Paso del Norte settled by New Mexico? When?

6. Why was a route from New Mexico to the Texas coast desired?

7. What were the principal objects of the numerous expeditions into western Texas? Give an account of the Mendoza-López expedition. Point out the routes traveled and regions visited.

8. What was the interest of the New Mexicans in the Gila country of Arizona?

9. What were the chief causes of the Pueblo Rebellion? What was the plan? How far did it succeed?

10. Describe the siege of Santa Fé and the departure of the Spaniards. Where was the fourth capital?

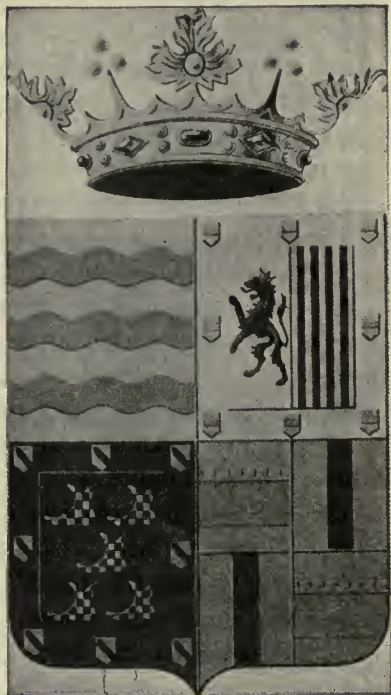
11. How did the Indians use their freedom?

CHAPTER VI

RECONQUEST AND NORTHEASTERN EXPANSION, 1680-1762

84. Efforts to Reconquer New Mexico. — When the Spaniards from New Mexico reached the El Paso region in the fall of 1680 (sec. 82), they learned that the Indians of Sonora and New Biscay were showing signs of restlessness and unusual activity. The remaining years of the century were to be a period of Indian uprisings and disturbances along the whole northern frontier of New Spain. New Mexico had experienced the first and most violent of them. If the Pueblo revolt went unpunished, there was danger that it might encourage others.

During the next ten years, therefore, many attempts were made to reconquer the province, but without success.



THE COAT OF ARMS OF GOVERNOR DE VARGAS

85. The Coming of De Vargas. — In 1690 the viceroy appointed Don Diego de Vargas (vär'gäs) governor of

New Mexico. In August, 1692, he set out from El Paso with three hundred men for the reconquest. September 13, they surrounded the villa of Santa Fé, now an Indian pueblo, cut off its water supply and all communication, and demanded its surrender. The red men blustered and threatened, but surrendered before night.

De Vargas then journeyed through the whole Pueblo region north to Taos and west to Zuñi and Moqui. Everywhere the natives surrendered without resistance. At Zuñi he found the vestments of the priests and other sacred property of the church — the only relics of Christianity in New Mexico that had survived the Rebellion. Without fighting a battle or losing a man, except in an encounter with the Apaches, he returned to El Paso before Christmas.

86. The Reoccupation, 1693. — After long delays De Vargas got together eight hundred colonists and a hundred soldiers at El Paso and started north for the permanent reoccupation of the country in October of the following year (1693). December 19 they entered the plaza at Santa Fé without opposition. The soldiers were garrisoned on the hill, and the colonists camped near by. All were suffering from the bitter cold, and De Vargas ordered the Indians to vacate the town. Instead, they closed the gates and barricaded every entrance. The Governor promptly assaulted the place with his whole force. On the second day the Indians surrendered. The Pueblo governor had already hanged himself. Seventy of his braves were now executed, and four hundred of the women and children delivered up as servants to the Spanish families.

87. Later Uprisings. — The bloody scenes that closed the year 1693 were but the beginning of the Pueblos' efforts

to shake off Spanish control before it became firmly established. Most of the central and northern pueblos were in a state of insurrection throughout the coming year. The Governor and his small force were kept busy holding them in subjection.

Again in 1696 the Pueblos rose in revolt and murdered six or seven missionaries and about twenty other Spaniards. Taos, Picurís, Cochití (kô-chê-tê'), Santo Domingo, Jémez, and Ácoma had to be punished before they would quit the warpath. Soon, however, the Pueblos recognized that they were beaten. Thenceforth they gave little trouble.

88. Development of the Missions. — Sixteen or seventeen missionaries came with De Vargas in the fall of 1693. By the end of the following year they were able to reestablish mission work in at least eighteen pueblos. Church building and mission extension made steady progress. In 1708-1710 the Chapel of San Miguel in Santa Fé, ruined by the Pueblos in 1680, was restored by Governor Peñuela (pā-nwā'lä). By 1750 there were more than 10,000 baptized Indians. When the Bishop of Durango visited the province in 1760 he confirmed 11,271 in New Mexico proper and 2,973 in the El Paso district.

Yet the missions did not flourish. The friars' limited knowledge of the Indian languages was a constant handicap. The old ugly quarrel between the friars and the political officials over the control of Indians at the missions went on with increasing bitterness. To make matters worse the officials forced the Indians to work without pay and practically enslaved many of them.

89. Paganism and Witchcraft. — Pagan rites flourished as before the Pueblo Rebellion. Medicine men claiming supernatural powers were able to appeal to the fears of

the superstitious Pueblos. In the effort to deal with these "witches" in the early eighteenth century, witchcraft trials became somewhat frequent in New Mexico soon after they died out in New England. A favorite punishment for the witches was to make them servants in Spanish families.

90. The Founding of La Cañada and Albuquerque. — Two years after the Reconquest a new Spanish town of seventy families, Santa Cruz de la Cañada, was founded (1695) in the Rio Grande Valley thirty miles north of Santa Fé. About the same time small settlements, called *poblaciones* (pō-blä-syō'nās), were begun at Los Cerrillos (lōs sã-rē'yōs) and Bernalillo.

Francisco Cuervo (kwār'vō), who succeeded De Vargas as temporary governor, hit upon the idea of perpetuating his name by founding a new settlement and naming it for himself and the viceroy, the Duke of Alburquerque. In 1706 he located about thirty Spanish families in the Rio Grande Valley sixty miles southwest of Santa Fé, naming the place "San Francisco de Alburquerque." The viceroy ordered the "San Francisco" changed to "San Felipe" (fã-lē'pã) in honor of King Philip of Spain. The third Spanish colonial town, therefore, became San Felipe de Alburquerque. Succeeding generations dropped the first "r" out of Alburquerque, and later ones have dropped the "San Felipe." It is to-day the "Old Town" part of the city of Albuquerque.

91. Slow Growth of the Colony. — During the first half of the century the colony grew slowly. Two thousand miles of Indian-haunted desert lay between Mexico City and Santa Fé. It took a caravan six months to make the journey. New Mexico was not an inviting field except

for those rare pioneer spirits who loved the solitude of the wilderness and feared no danger. Year by year, however, new ranch houses appeared in the fertile valleys of the Rio Grande and its tributaries. In these valleys agriculture increased, while stock raising extended to the near-by hills and plains.

The Spanish population, 1,500 in 1700, had grown to 7,666 in the fourteen settlements north of the *Jornada* in 1760, with 3,588 in the presidio (prā-sē'dyō) and five missions of the El Paso district. Santa Fé numbered 1,285; La Cañada, 1,515; Albuquerque, 1,814. There were 10,000 baptized Pueblos.

92. Military Protection. — About the beginning of the year 1697 the viceroy ordered the Santa Fé garrison strengthened to a hundred well-equipped soldiers. Eighty men, however, became the regular full strength of the Veteran Company at the capital — the only garrison in the province — and the actual number was generally much smaller. "Flying squadrons" of five or six mounted men were stationed at Santa Clara, Cochití, Jémez, and Laguna (lä-gōō'nä). That was all. Great reliance, therefore, had to be placed on the militia, or untrained citizen soldiery, in every Indian campaign.

To make the southern highway to El Paso safer the New Mexicans urged the necessity of establishing a presidio of fifty soldiers and two hundred settlers at Socorro and a presidio of fifty soldiers at Aguatuvi (ä-gwä-tōō'vē). The central government did nothing. Soon after 1770 the governor established a presidio of thirty soldiers and thirty settlers from El Paso at Robledo (rō-blā'thō) near modern Fort Selden, for protection against the Apaches in the region south of the *Jornada*.

He also recommended the establishment of a new presidio at the great trading center of Taos and the concentration of the colonists into compact settlements as a means of protection. Their widely scattered settlements and ranches were too exposed to Indian attack.

93. Indian Troubles. — All through the first half of the century the Indians were constantly on the warpath. The hand of the Apache was turned against everybody who came within his reach. From the Navajos and the Utes he received constant help against the white man. And the New Mexican settlements fared badly.

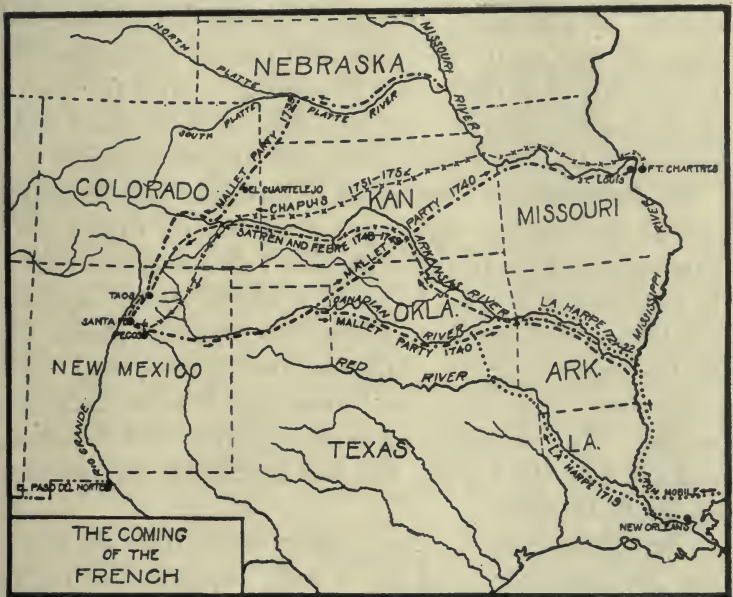
At the beginning of the century (about 1700) the Comanches began to drift in from the eastern plains and attack Pecos and Galisteo. In 1724 they swarmed into the country of the friendly Jicarilla (hē-kā-rē'yä) Apaches to the northeast of Santa Fé and killed most of the tribe. How Pecos suffered from their coming is best told by the decline of its population from about 2,000 in the seventeenth century to 1,000 in 1749, 600 in 1760, and 189 in 1797. The last members of the tribe abandoned the pueblo and went to their kinsmen at Jémez in 1838.

Against all these enemies the governors and their troops, with assistance from the Pueblos and Spanish settlers, fought a long series of fruitless campaigns — fruitless because it was impossible to catch and punish the wily savage in haunts which he knew better than the white man. As a result the campaigns had to be repeated year after year.

94. The Coming of the French. — Throughout the seventeenth century (1600–1700) the Spanish province of New Mexico had a constant struggle with the Indians to maintain its existence, but it was undisturbed by other Europeans. At the opening of the eighteenth century,

however, a new peril was ready to appear on the eastern frontier — the white man this time.

The French had been working their way inland from the St. Lawrence to the Mississippi and down to the Gulf of Mexico. La Salle's colony (sec. 73) landed on the Texas coast just five years after the Pueblo Rebellion drove the



Spaniards out of New Mexico (secs. 76-81). Two years later some of his renegade followers murdered him and were themselves taken prisoners to New Spain. Still later a few of them were with De Vargas in the reconquest of New Mexico in 1693 (secs. 85-86). Among these first Frenchmen in the colony was Jean de l'Archevêque (zhän dē lārsh-věk'), one of the assassins of the great explorer.

The old story of great mineral wealth in New Mexico had long ago reached France, and Frenchmen in America were keenly interested. In 1706, when Captain Juan Uribarri (ōō-rē-bār'rē), on an expedition against the Utes and Comanches, visited El Cuartelejo, he heard of Frenchmen among the Pawnees. In 1719, and again in 1721, La Harpe (là ärp') from Natchitoches (näk-ī-tōsh'), the western outpost of Louisiana, undertook trading expeditions to Santa Fé, first up the Red River and then up the Arkansas. It was clear that the French planned to control the trade of the northeastern frontier provinces of New Spain and eventually to extend their power over the whole region.

95. Northeastern Expeditions of Valverde and Villasur.

— The first counter move against this steady French advance was made by Governor Antonio Valverde (väl-vēr'dā). In the summer of 1719 he made a long campaign against the Utes and Comanches beyond the Arkansas almost to El Cuartelejo. On the Arkansas the Apaches told him of a recent battle with the Kansas and Pawnee Indians, in which their enemies had been equipped with firearms and aided by the French, who had established settlements on the Platte River.

The following spring (1720), under orders from the viceroy, the Governor fitted out a small expedition of forty soldiers, sixty Pueblo Indians, and ten or twelve servants under Captain Pedro Villasur (vē-yä-sōōr') for the purpose of gathering information about French activity on the northeastern frontier. The Frenchman, Jean de l'Archevêque, now a resident of New Mexico for more than a quarter of a century, was taken along as interpreter. They went by Taos, La Jicarilla, and El Cuartelejo northeastward to the junction of the North and South Platte in

central Nebraska. Hearing nothing of the French, they prepared to return to New Mexico. As they were breaking camp on the morning of August 13 the Pawnee Indians, with firearms secured from French traders, fell upon them in a surprise attack and cut them to pieces, killing Villasur and forty-four others, including Archevêque and Friar Juan Martínez, the chaplain. Only thirteen survived to tell the story of the "Lost Expedition."

News of this disaster reaching Santa Fé September 6 threw the colonists into panic. They felt sure that the French were behind the whole plot and would soon attack New Mexico itself. They even considered abandoning the province.

96. The End of Northeastern Expansion, 1727. — The next year (1721), however, France and Spain made peace in Europe, and the government of New Spain soon gave up its projects of northeastern expansion. Henceforth the New Mexicans would have to work out their plans in that direction on their own resources. To make matters worse the Spanish government forbade (1723) all trade with the French and limited trade with the plains Indians to those who came to Taos and Pecos. Such a decree was not likely to be strictly obeyed in this remote region; and the contest of Spaniard and Frenchman for the control of the great plains went on unchecked.

97. The French Advance Continues. — The next Frenchmen to reach New Mexico — the first to come across the plains from the east — were the Mallet (mâl-lě') brothers and seven or eight other Canadian fur traders who came from the Missouri and the Platte through Nebraska, Kansas, and southeastern Colorado to Taos and Santa Fé in 1739. Two of them stayed in New Mexico. The re-

turn of the others the next spring, part of them across the plains to Illinois, the others down the Canadian and Arkansas to New Orleans, marked the beginning of a new epoch. They had come through the dangerous Indian country to New Mexico and returned in safety. Moreover, they had carried back with them the first definite information about the trade and internal conditions of the province.

Results were immediate and far-reaching. Heretofore the French advance had been primarily the work of the private trader and trapper. Now the French officials in Louisiana began to take an active interest in this region. The very next year (1741) Governor Bienville (byän-vël') sent out a party to open up trade with Santa Fé by way of the Arkansas and Canadian rivers, but they never reached Santa Fé. Again in 1751 St. Clair, the French commander at Fort Chartres, Illinois, sent out Jean Chapuis (shä-pwē') with a party of traders and a government license to open a regular overland trade route to Santa Fé, proposing a military escort through the Comanche country. Coming by way of the Platte River, Chapuis and one companion reached Santa Fé the following year (1752), only to have their goods confiscated and to be themselves sent on to prison in Mexico City and Spain.

In the meantime Pierre Satren (pyër sà-trän') and two other French deserters, Febre (fěbr') and Riballo (rē-bä'yō), came up the Arkansas to the Taos fair and down to Santa Fé in 1749. They stayed and worked at their trades. Other traders with the silent backing of their government were steadily gaining influence over the plains Indians by giving them French flags and presents and trading them firearms. The stealing of horses and mules from the

New Mexican settlements and trading them to the French was becoming a regular Comanche enterprise. The Comanches were frequently better equipped with horses and arms than were the Spanish soldiers who tried to defend the settlements against their raids.

98. The Frontier Problem Changes, 1762. — Toward the close of the French and Indian War Spain received from France all of Louisiana west of the Mississippi. Its inhabitants now became Spanish subjects. The frontier problem of holding back the French and protecting the northeastern boundary ceased to exist. A contest for the trade of the plains took its place. Frenchman and Spaniard had each his own characteristic method of dealing with the Indians. The Spaniards had controlled the southwestern tribes largely through the slow civilizing process, in which the missions were the chief instruments. The French among the wild tribes to the east had found the licensed trader a more effective means of control. In this new contest the Spaniards adopted the French policy of dealing with the wild tribes by giving them presents, presenting them flags, and furnishing them food to win their friendship and keep them hostile to all foreigners. The French peril had ceased to exist; but a more dangerous one, the English peril, must be guarded against.

GENERAL READINGS

- H. H. BANCROFT, *History of Arizona and New Mexico*, 186-254.
 W. W. H. DAVIS, *The Spanish Conquest of New Mexico*, 307-417.
 L. B. PRINCE, *A Concise History of New Mexico*, 114-126.
 B. M. READ, *Illustrated History of New Mexico*, 272-334.
 R. E. TWITCHELL, *The Leading Facts of New Mexican History*, I, 367-445.

SPECIAL TOPICS

1. ATTEMPTS AT RECONQUEST. C. W. Hackett, "Otermín's Attempt to Reconquer New Mexico, 1681-1682," in *Old Santa Fé*, III (Jan.-Apr., 1916), 44-84, 103-132; "The Causes for the Failure of Otermín's Attempt to Reconquer New Mexico, 1681-1682," in *The Pacific Ocean in History*, 439-451.

2. LATER PUEBLO DISTURBANCES. R. E. Twitchell (ed.), "The Pueblo Revolt of 1696" (Documents), in *Old Santa Fé*, III (Oct., 1916), 333-373.

3. THE EL PASO DISTRICT AND THE SOUTHERN BOUNDARY OF NEW MEXICO. A. E. Hughes, "The Beginnings of Spanish Settlement in the El Paso District," in *University of California Publications in History*, I, 295-392.

4. THE FRENCH ADVANCE TOWARD NEW MEXICO. H. E. Bolton, "French Intrusions into New Mexico, 1749-1752," in *The Pacific Ocean in History*, 389-407; *Texas in the Middle Eighteenth Century*, 66-72; W. E. Dunn, "Spanish Reaction against the French Advance toward New Mexico, 1717-1727," in *Mississippi Valley Historical Review*, II (Dec., 1915), 348-362.

5. THE PLAINS INDIAN PROBLEM. H. E. Bolton (ed.), *Athanase de Mézières and the Louisiana-Texas Frontier, 1768-1780*. 2 vols. See especially the learned Historical Introduction on "The Indian in the History of the Louisiana-Texas Frontier, 1685-1780," I, 17-66.

QUESTIONS AND SUGGESTIONS

1. Give an account of the reconquest by De Vargas. How many colonists came with him to reoccupy the province in 1693? How were they received by the Indians at Santa Fé?

2. Was there further trouble with the Pueblos? When were the missions reestablished?

3. How do you explain belief in "witches"? Was it peculiar to New Mexico?

4. When was Albuquerque founded? How did it get its name?

5. As the colony grew where did the settlers go? How did they live? How large was the Spanish population in 1760?

6. What military protection did the province have? In what other regions were garrisons especially needed? Why did Taos need one?

7. What new enemies appeared at the beginning of the eighteenth century? Where did they come from? Why did the campaigns against the Indians accomplish so little?

8. Why were the French interested in New Mexico? What were some of their earliest ventures in this direction?

9. What rivers would be helpful to them in getting to New Mexico? See map. What influence does geography have on history?

10. How did the Spaniards regard the French advance? What was the object of Valverde's expedition to the northeast? Villasur's? What was the effect of the "Lost Expedition" on New Mexico?

11. Why did the Spanish government give up its plans for northeastern expansion? Who were the first Frenchmen to reach New Mexico from the east? What effect did their journey have?

12. How was the northeastern frontier problem changed after 1762? How did the New Mexicans then deal with the Indians in that region?

CHAPTER VII

THE CLOSE OF THE SPANISH ERA, 1762-1821

99. The Indian Danger Continues. — The policy of frankly seeking the friendship of the plains Indians in order to control the trade of the plains (sec. 98) caused the last quarter of the eighteenth century to be a period of comparative peace with those tribes. Yet it did not free the settlements from the constant danger of the Indian whose natural bent was to steal and murder. The Apaches on the lower Rio Grande and in the Magdalena Mountains were a constant menace to travelers over the highway toward El Paso. The Comanches could never be controlled; and when they swept in from the east for a raid, it was usually a bloody affair.

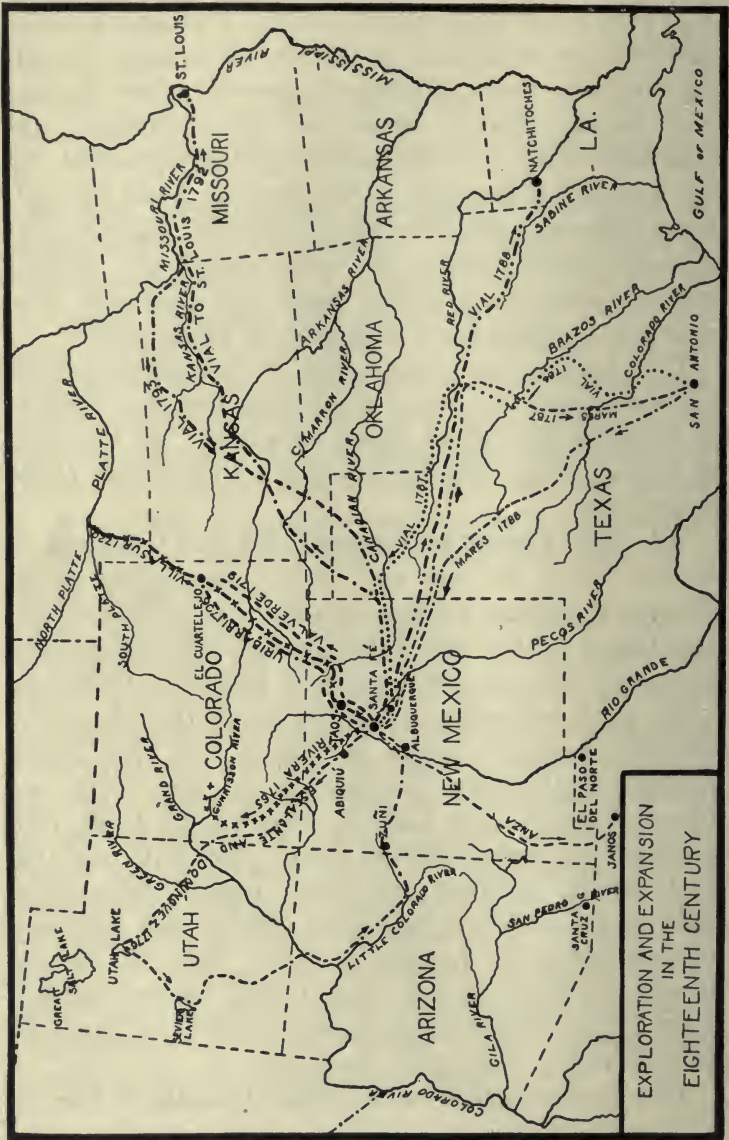
100. Organization of the Interior Provinces, 1776. — To meet the constant Indian pressure on the northeastern frontier and to check the English advance in that same region Spanish officials planned a complete reorganization of the frontier. The first step was taken in 1772, when a new officer, known as the *Inspector Comandante* (ēns-pĕk-tōr' kō-măn-dăn'tā), or Chief Inspector, directly responsible to the viceroy and later to the commanding general of the Interior Provinces, was given general supervision of the whole line of frontier presidios from Texas to California and the direction of military campaigns in that region. It is interesting to recognize the good Irish name of Hugo Oconor as the first person to hold this important position in the defense of New Spain.

In 1776 a new government called the *Provincias Internas* (prō-vēn'syäs ēn-tēr'näs), or Interior Provinces, including originally Texas, Coahuila (kwä-wē'lä), New Mexico, New Biscay, Sinaloa, Sonora, and the Californias, was organized under a commanding general appointed by the king and independent of the viceroy. From his capital at Chihuahua he controlled all political, military, and financial affairs within his wide dominions. Judicial matters, however, remained under the Audiencia (ow-dyän'syä), or high court of appeal, at Guadalajara.

The Apaches and Comanches were needing prompt attention; and the first Commanding General, Teodoro de Croix (tā-ō-thō'rō dā krwä), self-styled "El Caballero de Croix," went about his task with a vigor worthy of the earlier days.

101. First Attempt at Communication with California. — In July, 1776, the very year of the organization of the Interior Provinces, Fathers Escalante (ēs-kä-län'tā) and Domínguez set out from Santa Fé with eight companions to find a trail to the new missions at Monterey, California. They went northwest up the valley of the Chama by Abiquiú (ä-bē-kū'), across the upper San Juan Basin, through southwestern Colorado, across the Green and Grand rivers to Utah Lake in north central Utah, then southwest to Sevier (sē-vēr') Lake. But with the trail to California uncertain and winter rapidly approaching, they turned back by the Grand Canyon and Zuñi and reached Santa Fé, January 3, 1777. This *Old Spanish Trail* from Santa Fé into central Utah became the first stage in the more famous *Spanish Trail* from Santa Fé to Los Angeles after 1830 (sec. 129).

102. Communication with Other Colonies. — One of



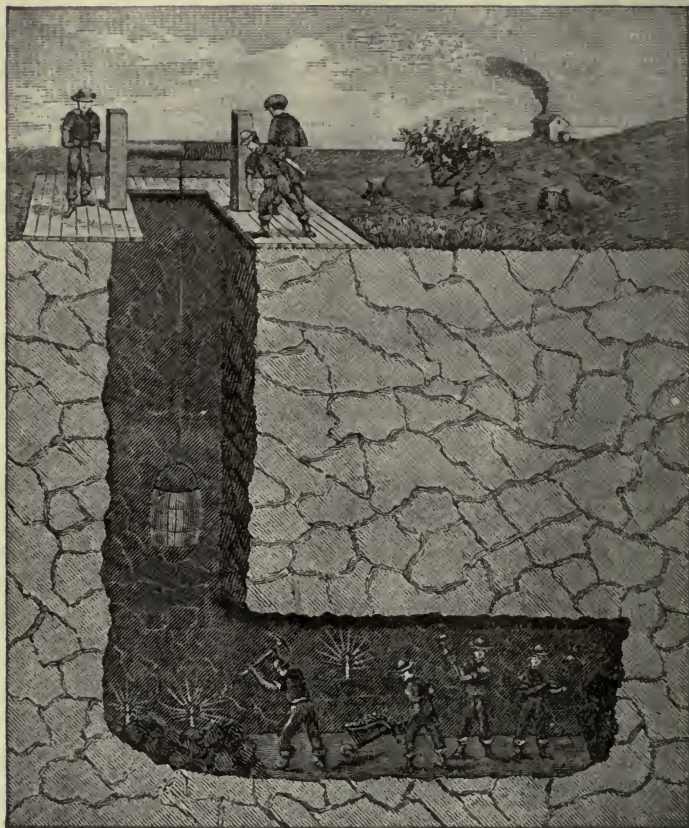
EXPLORATION AND EXPANSION
IN THE
EIGHTEENTH CENTURY

the favorite projects of the commanding general of the Interior Provinces was to establish a complete system of communication among the provinces under his jurisdiction. In 1778 he sent Juan Bautista de Anza (än'sä), who had led the first overland expedition from Sonora to Upper California, as governor of New Mexico with special instructions to open direct communication between Santa Fé and Monterey on the California coast. Three years later (1781) he suggested that Anza undertake similar communication with Coahuila, northern Sonora, and San Antonio, Texas. New Mexico was becoming a center of operations. In the first and second of these projects nothing was accomplished. In the third, the route to Sonora, Anza took a hundred and fifty men to the southwest, hoping to reopen the old seventeenth century trade route (sec. 74) to the Gila country and the presidio of Santa Cruz. But he came out at Janos (hä'nōs) in New Biscay, a point too near El Paso to have any special value.

103. The Trail to San Antonio.—The fourth venture was more successful—not for Anza, however; for it was accomplished by the Texans. Ever since the founding of San Antonio (1718) the Spaniards had needed direct communication between that point and Santa Fé, their two northeastern outposts, both of which were subject to Indian danger and to pressure from the French in Louisiana until 1762.

Finally in 1787 the trail from San Antonio north to the region of Wichita Falls, then up the Red and Canadian rivers, and on to Santa Fé, was traced by Pierre Vial (pyër vē-äl'), called Pedro Vial by the Spaniards, a French frontiersman sent out by the governor of Texas. The route was somewhat roundabout; and Governor Anza, wishing to use Vial for another undertaking, sent out

another party that same year under José Mares (mä'rās) to find a more direct route. Mares's outgoing trip made but little improvement on the route of Vial; but on the



PRIMITIVE MINING

return to Santa Fé the following spring he took a much more direct route across the upper Colorado and by the headwaters of the Brazos to Santa Fé.

104. The Route to Louisiana. — That summer (1788) Vial started out from Santa Fé to find a route to Natchitoches, the great French center on the lower waters of the Red River. He went down the Red and across the upper Sabine (sà-bēn'), spent the winter, and returned a year later. A trade route over this line had been the dream of La Harpe half a century before (sec. 94).

105. Blazing the Santa Fé Trail, 1792. — Still there was no route to St. Louis in Spanish Louisiana; and Pierre Vial's success in finding the routes to San Antonio and Natchitoches marked him as the best man for that undertaking. He left Santa Fé with two companions, May 21, 1792, under orders from the governor to find a direct route to St. Louis. Going through Apache Canyon, Pecos, and the Las Vegas (lās vā'gās) country, he seems to have crossed the northeastern plains close to the route of the later famous Cimarrón Cut-Off of the *Santa Fé Trail* (sec. 128) to the Arkansas River near modern Dodge City. He followed the Arkansas to Great Bend and then went northeast to the Kansas and the Missouri and down to St. Louis, October 6.

He had experienced so many difficulties in getting through the Indian country that the journey had taken him all summer, and he had to wait until the following spring before he could return to Santa Fé. But he had traced much of the route of the later *Santa Fé Trail*, the most famous highway in southwestern history. Regular trade in that direction, however, did not begin until after the close of the Spanish era.

106. New Interest in Mining. — Early discovery of the fact that New Mexico was not a rich and easy mining region (sec. 64) caused the principal energies of the colony

to be spent in other directions. But in the wave of expansion that characterized the last half of the eighteenth century, the mineral prospects of the country began to receive new attention. In 1765 Governor Cachupín sent Juan María Rivera (rē-vā'rä) with an exploring and prospecting party across the San Juan Basin and on up through the Gunnison and Uncompahgre (ōōn-kōm-pä'grā) regions in western Colorado in search of precious metals. Before



OLD SPANISH FORT AT THE SANTA RITA COPPER MINE

the close of the century adventurous New Mexicans had prospected and tramped over much of the Rocky Mountain region as far north as southern Wyoming.

Whatever may have been the decaying condition of the Spanish monarchy at home, this was a period of boundless energy on the northern frontier of New Spain. The New Mexicans were carrying out, on their own initiative, an ambitious program of expansion and development.

Yet there was little actual mining during the Spanish era. The Santa Rita copper mine, discovered about 1800, was not extensively worked until 1804. It was owned by a Chihuahua operator, and the ore was transported to Mexico City on pack mules. Lieutenant Pike in 1807 (secs. 111-112) said it was producing "twenty thousand mule loads

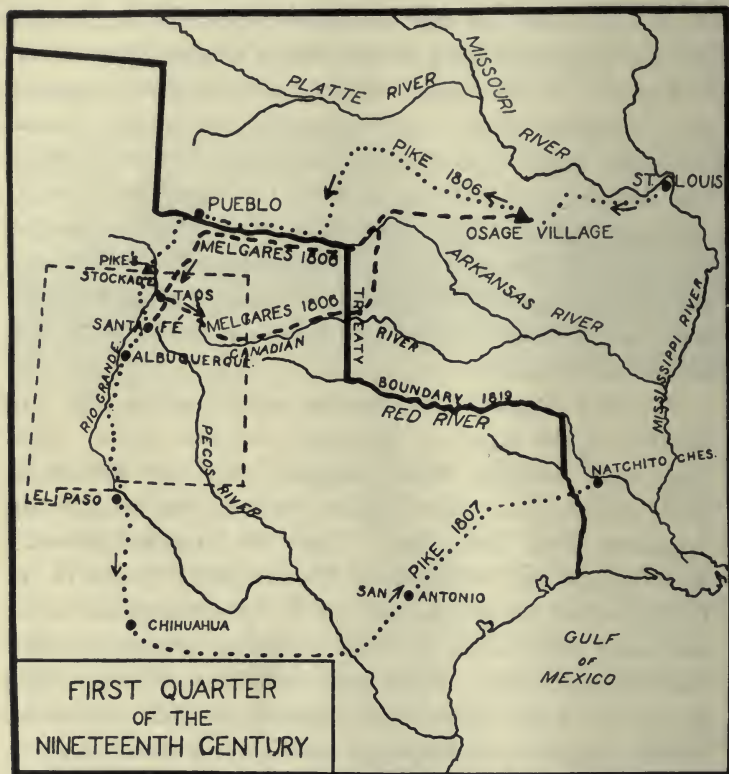
of copper annually." Mica was also mined near Santa Fé and Mora.

107. Intrusions of the English. — When Spain acquired French Louisiana to the Mississippi in 1762, it looked as if her northeastern frontier problem had been solved; for the French were the only foreigners who had been coming into that region seeking trade. But a new peril was about to appear. A few months later (1763) England acquired all of Louisiana east of the Mississippi and became Spain's next-door neighbor — a much stronger and more vigorous one than France. Though most of her American colonists still lived on the Atlantic slope, they were soon to be pouring through the passes of the Appalachian Mountains and swarming down the valleys of the Tennessee, the Cumberland, and the Ohio, to look out across the Father of Waters for still wider lands.

By 1775 English frontiersmen were trading with the Indians on the Missouri, Arkansas, and Red rivers. That they were securing much influence over the Indians in those regions was a fact which could not fail to give the Spaniards some uneasiness. Then the American Revolution brought the boundary of the American Union to the banks of the Mississippi and gave a great impetus to the westward movement of those restless, pushing Anglo-American pioneers. Texas and New Mexico lay in their pathway. Panic seized the Spanish officials lest these northern provinces should be entirely overrun.

108. The Case of Daniel Boone. — In the nineties Daniel Boone lost his lands in Kentucky and moved across into Spanish territory on the Missouri River west of St. Louis. His son, Daniel Boone, Jr., was already there, and others of his married children soon followed. By 1800, before

the Louisiana Purchase, there was a considerable American settlement in that region. Boonville, North Carolina; Boonesboro, Kentucky; and Booneville, Missouri, mark stages in the life of that restless old pioneer. Others of



the same sturdy stock, filled with the pioneering spirit of the young American West, were moving this way. Their faces were turned toward New Mexico. There was cause for uneasiness.

109. The Louisiana Purchase. — Suddenly, in 1803, the whole frontier problem was again radically changed when the United States purchased Louisiana. Spain had given it back to France in 1800; but that was hardly known in New Mexico until it had already passed into the possession of the United States.

The boundary between French Louisiana and the Spanish provinces had never been determined. Now Spain claimed all the territory to the Arkansas or even the Missouri; and the United States regarded Louisiana as extending to the Red River or probably to the Rio Grande. While each of these extreme claims had very slight foundation, the long strip of country between the Red River and the Arkansas was a genuinely debatable ground. New Mexico had the better claim to the western portion of it, and Louisiana the better claim to the eastern portion. These facts were recognized by the treaty of 1819. In the meantime, however, the whole region was in dispute.

110. Lieutenant Melgares Goes to the Eastern Plains. — Spanish officials, thoroughly aroused by the westward expansion of the United States, now sent a great military expedition under Lieutenant Facundo Melgares (fä-kōon'dō mēl-gä'rās) to the eastern plains in the summer of 1806 to check the American movement in this direction. With a hundred cavalry from Chihuahua and five hundred New Mexico mounted militiamen he went down the Canadian River, then turned north across the Arkansas into the Pawnee country with orders to capture any Americans he might find. He also had orders to explore the frontier of New Mexico *as far as the Missouri and Platte rivers* and to make treaties with the Indians. After a council with the head men of the Pawnees he returned to Santa Fé.

111. Pike's Expedition to New Mexico. — A few weeks after Melgares left the Pawnee villages a little band of twenty-two American infantry, under Lieutenant Zebulon M. Pike, trudged in from the east and claimed the allegiance of the Pawnees for their government.

Pike had started out from St. Louis in July, 1806, to explore the southwestern portion of Louisiana and establish



LIEUTENANT ZEBULON M. PIKE

friendly relations with Indians on the frontier. He went on across the plains to the Arkansas in western Kansas and up to the "Mexican Mountains" in the region of Pueblo, Colorado. Though Pike discovered Pike's Peak, he declared that "no human being could have ascended to its pinnacle."

From the region of Pueblo, Colorado, he crossed the Sangre de Cristo Mountains to the San Luis Valley and built a cottonwood stockade about five miles up the Rio Conejos (kô-nâ'hôs) on the *west side* of the Rio Grande in February, 1807. From this point he sent a few of his men back to bring in two who had been left in the mountains because their feet were so frostbitten that they could not travel. At the same time a Dr. John H. Robinson, of St. Louis, who had accompanied the party, went to Santa Fé to collect a debt and secure information about the country.

112. The Americans in Santa Fé. — Pike had built his fort and raised the United States flag on Spanish territory; and as soon as the news reached Governor Joaquín Alencastre (hwä-kēn' ä-lān-kās'trâ) he sent out a party of horsemen to bring the Americans to Santa Fé. Leaving a few horses at the fort to bring in those who were still in the mountains, the party went over the hills by Ojo Caliente (ō'hô kä-lyān'tā) and San Juan to the capital, March 2, 1807.

"I was dressed," says Pike, "in a pair of blue trousers, mockinsons, blanket coat, and a cap made of scarlet cloth lined with fox-skin; my poor fellows were in leggins, breechcloths, and leather coats, and there was not a hat in the whole party." The people of the town asked whether they lived in houses, or in camps like the Indians, and whether people wore hats in their country!

Then Pike and Alencastre matched wits over the situation, Pike protesting that he had merely lost his way while searching for the Red River, and Alencastre answering that even if the Lieutenant had mistaken the Rio Grande for the Red River, he had deliberately built his fort and raised the American flag on the *west*, or Spanish, side of it. And why was Dr. Robinson, a man with business in Santa Fé, in his party if he had not intended to stray into Spanish territory? It did look as if Pike had fallen into a trap of his own setting.

The Governor, therefore, sent him on to Chihuahua to report to the commanding general of the Interior Provinces. There he was relieved of his most important papers and sent under escort across Coahuila and Texas to Natchitoches on the Louisiana frontier, July 1, 1807.

113. The First Americans in Santa Fé. — But Pike and his party were not the first Americans in Santa Fé. At

least two adventurers were ahead of them. The first was Baptiste la Lande (bă-tēs't là länd'), a French creole trader from Illinois, sent out in the spring of 1804 by William Morrison, of Kaskaskia, to try the Santa Fé market and report on commercial prospects in that region. He reached Santa Fé that fall and found a ready market for his goods and so many inducements to stay that he settled down in the capital, married a Spanish woman, and did not take the trouble to pay Morrison for the goods. This debt was the excuse for Dr. Robinson's coming with Pike in 1807 (secs. 111-112).

The next American in Santa Fé was James Purcell, of Kentucky, a typical plainsman, who had been trapping on the Missouri, Platte, and Arkansas for three years, and finally drifted into Santa Fé in the summer of 1805. He, too, settled there and worked as a carpenter until 1824, when he returned to Missouri.

114. Efforts at Trade from the East. — The report of Lieutenant Pike gave the people of the United States their first authentic information about the Spanish Southwest. The Westerners were open-eyed with wonder as they listened to his report of prices in Santa Fé. Linen was \$4.00 a yard; fine cloths, \$20.00 to \$25.00; "and all other dry-goods in proportion" — in a country where horses could be bought at \$11.00 and sheep at \$1.00 each.

In 1809 four traders started out from St. Louis to Santa Fé, but were never again heard from. Another party, under the leadership of Robert McKnight, James Baird, and Samuel Chambers, came across the plains to Santa Fé, only to have their goods confiscated and to be themselves sent to prison in Chihuahua. Then in midwinter 1815-1816 Auguste P. Chouteau (ō-gōōst' shōō-tō') and Julius

de Munn (dē mŭn), St. Louis traders among the Indians on the upper Arkansas, came down and traded at Taos and Santa Fé. Later they were driven out. Finally in 1819 David Merriwether, a Kentuckian in the employ of the American Fur Company, came in from St. Louis, only to be lodged in the old military prison at Santa Fé. New Mexico was still a forbidden land.

115. Agriculture and Stock Raising. — Agriculture and stock raising were then as now New Mexico's principal industries. In the valleys where there was flowing water for irrigation corn, wheat, beans, pumpkins, squashes, and other vegetables were grown in abundance. Some fruit, cotton, and *punche* (pōon'chā), a native tobacco, were grown in certain sections.

Mules, burros, cattle, and sheep were raised in great numbers. Horses were not so numerous. Thousands of sheep were driven to El Paso and other southern points every year. They were worth \$1.00 each; cattle, \$5.00; horses, \$11.00; mules, \$30.00. The burro was the favorite pack animal in the colony, and the mule was the commercial pack animal in the overland freighting business to El Paso, Chihuahua, and elsewhere.

116. Trades and Industries. — Manufacturing industries were in a very primitive condition. Agriculture, stock raising, trading, fighting Indians, and exploring the frontiers absorbed most of the energy of the colonists. The Indians practiced their native handicrafts and those that the missionaries had taught them. Cotton cloth, coarse woolen blankets, prepared skins of animals, rough leather, and pottery were the chief products. Other manufactured articles were imported from Spain through the one seaport of Vera Cruz and then brought by pack train for two

thousand miles through Mexico City, Durango, and Chihuahua. The cost of such goods was enormous.

117. The Taos Fairs. — The royal order of 1723 (sec. 96), prohibiting trade with the French and limiting trade with the plains Indians to those who came to Taos and Pecos, brought into existence regular annual fairs at Taos. These fairs were rapidly developed by the new policy of seeking



THE NORTH PUEBLO OF TAOS TO-DAY

the friendship and trade of the plains Indians after the middle of the eighteenth century (sec. 98). Taos was the extreme northern outpost of Spanish settlement. For the plains Indians in all directions it was the nearest source of supplies of manufactured articles. The Comanches and other tribes came in from the plains bringing deer skins, buffalo robes, furs, buffalo meat, and captives, to exchange with the Spaniards and Pueblos for knives, bridles, trink-

ets, horses, blankets, and even fire arms if they could get them. It was a motley array that gathered there each summer. Taos became the busiest and most turbulent town in the province. Its population grew rapidly from 160 in 1760 to 1,351 in 1799.

Money was hardly known among these people until about 1800, and old-time barter had ceased to meet the varied needs of this growing trade. So the professional traders invented a system of imaginary money having four kinds of *dollars*, worth from twelve and a half cents to a dollar each. Then they bought for the cheap *dollars* and sold for the dear ones. Every manufactured article brought in was exorbitant in price.

118. The Caravan to El Paso and Chihuahua. — Later in the fall the traders fitted out their caravan of pack mules and carts and started southward. At El Paso del Norte they stopped and traded for a while in the early winter and then moved on to Chihuahua for the great January fair. There they exchanged their raw materials and what little specie they had for cargoes of manufactured articles, groceries, drugs, knives, firearms, steel traps, trinkets for the Indians, and other light imported commodities for the northern trade the following summer.

By 1788 this trade to Chihuahua amounted to \$30,000 a year. Fifteen years later imports from the south amounted to \$112,000 a year. Exports of wool, wine, peltries, etc., worth \$60,000, besides large flocks of sheep and hundreds of horses, went to the same regions.

The commercial policy of Spain toward her American colonies was selfish and ruinous. All trade between New Mexico and foreigners or the other Spanish colonies was strictly forbidden, except through the one channel to the

south, and even that was taxed. The two centuries and a quarter of Spanish rule came to an end in 1821 without the establishment of any regular trade between Santa Fé and California, Texas, or the United States.



119. Population. — In 1799 the Spanish population numbered about 18,000 in New Mexico proper with nearly 5,000 more in the El Paso district. By the close of the

Spanish era (1821) it had grown to 28,500 with more than 8,000 around El Paso. Santa Fé, the largest town, had 6,000 people; Albuquerque, 2,500; La Cañada, 2,600. The Pueblos in their twenty-six villages now numbered but 9,000.

120. Education. — All through the eighteenth century education remained in a very backward condition. There were no scholars in the colony except the few who came from abroad. Even their education, emphasizing religion and ancient languages, and totally lacking in modern history and geography, was somewhat one-sided. There were no colleges or public schools and only a few private teachers in the larger towns at the close of the Spanish era. There was not a lawyer or notary public. The army surgeon at Santa Fé was the only doctor.

121. Government. — The province was under the absolute authority of the Spanish king and his viceroy at Mexico City. The appointed governors who ruled at Santa Fé controlled all civil, military, legislative, executive, and judicial affairs. From their decrees in civil and criminal matters, there was no appeal except to the Audiencia (or high court) of Guadalajara thirteen hundred miles away. There were no courts in New Mexico. The governor's five-year term might be cut short whenever the king desired. His salary early in the eighteenth century was \$2,000 a year. By 1800 it was \$4,000. His lieutenant governor at El Paso received \$2,000.

For local government the colony was divided into districts each under an *alcalde* (äl-käl'dā) appointed by the governor and serving without salary. There were no popular common councils even in Santa Fé and the larger towns. Nowhere, in fact, was there any semblance of

popular government except in the Pueblo villages where the Indians annually elected their *alcaldes*.

Once only was New Mexico represented in the Spanish Cortes (*kôr'tās*), or legislature. Even then (1810), when Spain had been overrun by Napoleon's armies and the Spanish government was looking to its American colonies for support, the Delegate from New Mexico, Pedro Bautista Pino (*pě'nō*), was selected by the governor and ten other officials of the province. And so little did he accomplish that an enterprising wag wrote: *Don Pedro Pino fué; Don Pedro Pino vino* (Don Pedro Pino went away; Don Pedro Pino came back).

The Veteran Company at Santa Fé in 1822 numbered a hundred and twenty-one regulars. Thirty-nine were cavalry on the move to various parts of the province. Thirteen were capital guards. The others were stationed in regions particularly exposed to Indian attacks.

122. The Overthrow of Spanish Power. — The selfish rule of the Spanish kings had ruined the Spanish colonies in America and alienated their people. Naturally, therefore, when Napoleon overthrew the Spanish government and set his brother Joseph to rule over Spain (1808), the colonists seized the opportunity to start a revolution. Hidalgo (*ē-thāl'gō*), the patriot priest at Dolores (*dō-lō'rās*), started the movement in Mexico in 1810. The next year he was executed; but the old order could never be fully restored. Finally on September 28, 1821, Mexico declared her independence and succeeded in establishing it. Far away New Mexico knew little of what was going on around Mexico City and felt none of the excitement of those stirring events; yet when the news reached Santa Fé, December 26, 1821, the capital celebrated the event with great enthusiasm.

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SPECIAL TOPICS

1. EXPLORATION OF NEW ROUTES. H. E. Bolton, *Texas in the Middle Eighteenth Century*, 127-133; L. Houck, *The Spanish Régime in Missouri*, I, 350-358, contains a translation of Vial's diary of his journey from Santa Fé to St. Louis.
2. THE NEW INDIAN PROBLEM AND THE LOUISIANA FRONTIER. J. A. Robertson (ed.), *Louisiana under Spain, France, and the United States, 1785-1807*. 2 vols. (Documents); H. E. Bolton (ed.), *Athanase de Mézières and the Louisiana-Texas Frontier, 1768-1780*. 2 vols. Especially I, 66-122.
3. THE LOUISIANA BOUNDARY. T. M. Marshall, *A History of the Western Boundary of the Louisiana Purchase, 1819-1841*, 1-70.
4. COLONIAL COMMERCE AND INDUSTRY. H. E. Bourne, *Spain in America* ("American Nation" Series, III), 282-301.
5. SPANISH COLONIAL GOVERNMENT. H. E. Bourne, Same as above, 220-242; D. E. Smith, "The Viceroy of New Spain," in *University of California Publications in History*, I, 98-293; H. I. Priestly, "The Reforms of Joseph Gálvez in New Spain," in *The Pacific Ocean in History*, 349-362; R. E. Twitchell, "Spanish Colonization in New Mexico in the Oñate and De Vargas Periods," *Historical Society of New Mexico Publication* No. 22.
6. SOCIAL AND RACIAL CONDITIONS IN SPANISH AMERICA. H. E. Bourne, Same as above, 253-268, 302-319.

QUESTIONS AND SUGGESTIONS

1. What was the general Indian situation toward the close of the eighteenth century? What tribes were most troublesome?
2. For what purposes were the Interior Provinces organized? What region was included? What was the Audiencia?
3. Give an account of the first attempt to go from New Mexico to California. Of Governor Anza's effort to find a route to Sonora. Locate the San Pedro River, the Gila, Santa Cruz, Janos.
4. Draw a map showing the routes traveled by Vial and Mares between Santa Fé and San Antonio; by Vial to Natchitoches. What famous highway later followed his route to St. Louis?
5. Why was there but little mining in Spanish times? In what regions were prospecting and operations carried on during this period?

6. How did the English come to be New Mexico's eastern neighbors? What brought the English frontiersmen into the West? What effect did the American Revolution have on this movement?

7. How did the Louisiana Purchase change the situation? Discuss the western boundary of Louisiana. Point out the debatable region.

8. What was the object of Melgares's expedition to the east in 1806? Of Pike's expedition? Why was Dr. Robinson with Pike?

9. Draw a map showing Pike's route from St. Louis to Natchitoches. What was the effect of his report?

10. Who were the first Americans in Santa Fé? How did they come to be there?

11. Give an account of the first efforts of the Americans to open trade with Santa Fé. Why did they fail?

12. What were the chief industries in the colony? What trades were carried on? Where did other manufactured goods come from? What was the chief means of transportation? Why was the price of live stock so low and that of manufactured goods so high?

13. Give an account of the Taos fairs. What were the chief articles of trade? Who brought them?

14. What did the annual caravan to Chihuahua carry each way?

15. How much did population increase from 1760 to 1821? See secs. 91, 119.

16. Give an account of educational conditions at the close of the Spanish period.

17. How was the province governed? What powers did the governor have? What kind of local government was there? Was the government *representative*?

CHAPTER VIII

THE MEXICAN PERIOD, 1822-1846

123. The Change of Government. — In the beginning of the year 1822 the new government under the Mexican Republic went quietly into effect. When Facundo Melgares, the last Spanish governor, turned his office over to Francisco Xavier Chaves (hä-vyěr' chă'vās), the first Mexican Political Chief, on July 5, the change was complete. The stormy Mexican period was to last but a scant twenty-five years.

124. Beginnings of the Santa Fé Trade. — From the purchase of Louisiana to the end of the Spanish era all efforts of the American West to trade with Santa Fé ended in failure (sec. 114). The hostility of Spanish officials could not be overcome. Now the situation was changed. Mexico was an independent republic ready to establish new relations with the outside world.

William Becknell, of Missouri, a trader among the Comanches, who came down to Taos and Santa Fé in the fall of 1821 and returned to Missouri that winter, was the first American to take advantage of the change. The following spring (1822) he organized a party of twenty-one men and left the Missouri frontier with a pack train and three wagons, bringing \$5,000 worth of goods across the plains toward Santa Fé. This was the first regular trading caravan to use wagons for transportation of goods across the plains, and also the first to follow the Cimarrón route

to San Miguel and Santa Fé instead of continuing up the Arkansas and coming in by way of Taos. William Becknell, its organizer and manager, has, therefore, been called the Father of the Santa Fé Trade.



A PATHFINDER OF CIVILIZATION

Two years later the spring caravan of twenty-five wagons brought out \$30,000 worth of goods and took back \$180,000 in gold and silver and \$10,000 worth of furs. These were the big days of the trade when calico and cotton cloth brought from two dollars to three dollars a yard in Santa

Fé, and the yard, or *vara* (vä'rä), was only thirty-three inches long. The Santa Fé trade was established.

125. The Fur Trade. — Where did this \$10,000 worth of furs come from? The New Mexicans were not great trappers. This brings us to another phase of early American enterprise in New Mexico — one that has been almost forgotten. For many years American and French frontiersmen had been trapping beaver on the streams from Colorado to northern Sonora. The official license was always difficult and sometimes impossible to get; but that detail was frequently disregarded. James O. Pattie, a Kentuckian, with a party of western frontiersmen, trapped all over New Mexico and Arizona from 1824 to 1828. In 1826 Céran St. Vrain (sā-rän' sānt vrān) brought out a hundred trappers to catch beaver on the Rio Grande, the Gila, and the Colorado.



CÉRAN ST. VRAIN

The importance of the fur trade in southwestern history during the first third of the last century has not been sufficiently appreciated because the romance of the overland trade to the Missouri River has overshadowed the quieter and less conspicuous activity of the trappers, who spent their time on the streams in remote regions and appeared in the settlements for but short periods in the course of a year. Like the trader, however, but ahead of him, they were the pathfinders of civilization.

126. Popularity of the American Trade. — The Santa

Fé trade with the United States was popular with both the officials and the common people. The old route to Vera Cruz was more than two thousand miles long. The new trail to the Missouri River was less than eight hundred. Better goods could be got from the Americans at a lower price, and the New Mexicans were determined to have them.

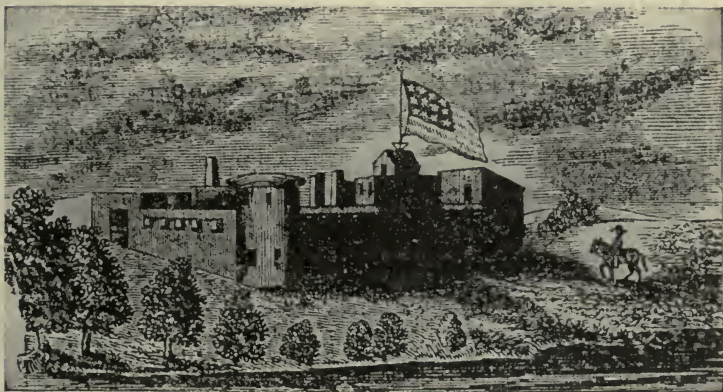
The officials of the Territory had still other reasons for fostering the trade. Their salaries, to be paid from the empty treasury of the new and unsteady Mexican Republic, gave little more than an unlimited right of expectation; and the Territory had no regular revenues of its own. Tariff duties on goods coming from the United States would help to solve this problem. In the early years of the trade these duties amounted to about fifteen to twenty per cent of the American value of the goods. By 1830 they had been raised to about sixty per cent. And there was an export duty on the silver going to the United States.

Moreover, the same spirit of adventure and love of gain that prompted the pioneers of the American West to open up this "commerce of the prairies" quickly led many enterprising New Mexicans to engage in the trade. In 1824 Governor Bartholomé Baca was actively engaged in the overland trade and making plans to secure the coöperation of the United States government in giving military protection to the caravans through the Indian country. Truly, times had changed.

127. Goods and Profits. — In this trade from the United States the chief articles were calico and domestic cotton cloths, with much smaller amounts of silks, velvets, and numerous other articles. Not all of them, however, were consumed in New Mexico. Much of each season's importations, sometimes more than half, went on in the fall

caravan to Chihuahua, or after 1830 by pack train to California.

In the early days of the trade, with calico at two or three dollars a yard and other goods in proportion, the profits to the successful trader were enormous. The cargo brought out by one of Becknell's wagons in 1822 (sec. 124) is said to have cost \$150 at Franklin, Missouri, and to have sold for \$700 in Santa Fé. But when the number of traders began to increase, those days were soon



BENT'S FORT ON THE ARKANSAS

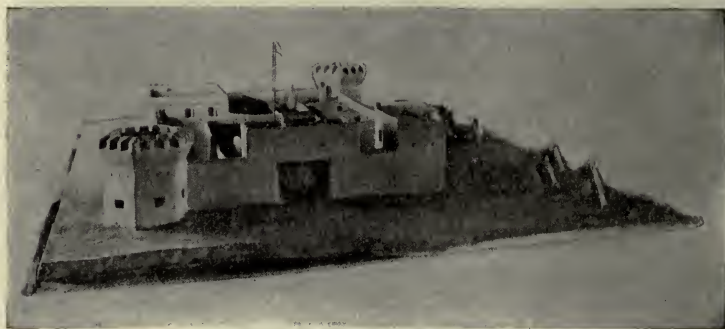
From Hughes, *Doniphan's Expedition*.

over. Then calico came down to about seventy cents and occasionally dropped as low as thirty. Profits seldom went higher than forty per cent, frequently dropped as low as ten, and averaged fifteen to twenty per cent.

128. The Santa Fé Trail.—The early adventurers in this direction started from St. Louis, Kaskaskia, Fort Smith, or wherever was most convenient. They usually followed up the valley of the Arkansas to the region of La Junta and then turned southwest across the mountains

to Taos and Santa Fé. But in 1822 Becknell brought the first American party over the new route known as the Cimarrón Cut-Off, first explored by Pierre Vial in 1792 (sec. 103), which soon became the main line of the *Santa Fé Trail*. For some years Franklin, Missouri, was the starting point. Then boats began to land at the new town of Independence on the river a hundred miles farther west, and after 1830 Independence became the chief outfitting point.

Another route in regular use followed up the Arkansas to Bent's Fort, came through Ratón Pass, and joined the



BENT'S FORT, A RESTORATION UNDER THE DIRECTION OF R. E. TWITCHELL

Cimarrón trail at the Mora River near Wagon Mound. Many traders came up the Arkansas and Canadian from Fort Smith. The warmer Canadian route had grass for the stock of the returning caravans later in the fall.

129. The Overland Journey. — From Independence west to Council Grove the Trail lay through well-watered prairie, then over arid plains to the ford of the Arkansas below modern Dodge City, across the Cimarrón desert to the Cimarrón River, thence by the Wagon Mound to the

first settlement at San Miguel, and through Pecos and Apache Canyon to Santa Fé. Las Vegas was not settled until 1835.

Here was a journey that appealed to the keen, sturdy Scotch-Irish Westerners, who loved adventure and feared no danger. Half of it was American and half Mexican, with the Arkansas River as the dividing line. At Council Grove the traders would assemble and organize for protection through the Indian country, where their only safety lay in numbers. Then the long train of canvas-covered prairie schooners, each drawn by six or eight mules or oxen, moved out toward Santa Fé at the slow pace of ten to fifteen miles a day. At night the wagons were parked in a hollow square to make an inclosure for the animals and a fortification against Indian attack. The outcoming journey took from two to three months; the return trip with a lighter load, about a month and a half. Freighters would haul goods to Santa Fé at ten to twelve cents a pound.

130. Government Support. — The Santa Fé trade, America's first romantic adventure in foreign commerce, was the outgrowth of the individual initiative of the West and received but slight encouragement from Washington at any time. Governor Baca's proposal (sec. 126) for joint protection brought small results. Though United States Senator Thomas H. Benton, of Missouri, had got a law through Congress in 1824 providing for a survey of the Trail, the survey amounted to nothing because the traders refused to follow its roundabout course. Only a few times, as in 1829 and 1843, did the United States furnish military protection for the caravan to the Arkansas. Each time the sending of an escort stirred up a storm of protest in Congress.



Western pioneer commerce made slight appeal to the East and, therefore, received slight encouragement from the government.

131. The Trails to California. — The overland trade from the east gave a new stimulus to the desire for an outlet to the California coast. In 1830 Antonio José Baca led a party of New Mexicans west from the Rio Grande in the region of Las Palomas (pä-lō'mäs) by the Santa Rita copper mine to the Gila, down to the Colorado, and across into southern California. Over the same trail Ewing Young, a Tennessean, with a party of trappers, went to California before the close of the year. This route soon came into prominence as the *Gila Trail*.

That year (1830) also William Wolfskill, a Kentuckian, who had been trapping in northern New Mexico since 1822, fitted out a party to trap in California and set out from Taos late that season or early in the spring of 1831. Following the *Old Spanish Trail* (sec. 101) northwest into central Utah, he turned away across the Wahsatch Mountains to the southwest, down the Virgin River almost to the northwestern bend of the Colorado, across the Mojave (mō-hä'vā) Desert, and over the Cajón (kā-hōn') Pass to Los Angeles. This northern route, known as the *Spanish Trail*, soon became the great highway of trade and travel to the Pacific coast. Over it went pack trains of New Mexican blankets and goods from the United States to be exchanged for California mules and horses.

132. American Pioneers. — With the parties of traders and trappers that came over the Trail from the Missouri River each year after 1822 were a few individuals who, like La Lande and Purcell (sec. 113), settled down in New Mexico — the beginning of the American Pioneer element.

Antonio Roubidoux (rōō-bē-dōō'), later famous as interpreter and scout, settled at Taos in 1822. The next year Charles Beaubien (bō-byān'), a French Canadian, went to Taos and a few years later married into a prominent Spanish family. Céran St. Vrain and Charles Bent, trading partners, early became identified with New Mexico and went into business at Taos in 1832. Bent married María Ignacia Jaramillo (ēg-nā'syā hä-rä-mē'yō), of Taos, and thus became brother-in-law to Kit Carson.

133. Kit Carson. — But of all American pioneers in New Mexico Kit (Christopher) Carson stands first. Born



Courtesy of R. E. Tutchell

THE GRAVE OF KIT CARSON AT TAOS

in Kentucky of the dogged frontier stock that had come down from the North Carolina and Virginia mountains and conquered that wilderness, he moved to Missouri in childhood and as a lad of seventeen ran away and came to New Mexico

with St. Vrain's caravan of traders and trappers in 1826 (sec. 125). He too went to Taos and there soon married Josefa (hō-sā'fä) Jaramillo, a member of a well-to-do Spanish family of Taos. Born in the wilds of the United States, he loved still more the wilder regions of northern Mexico. He hunted and trapped all over the Rocky

Mountains from Montana to Chihuahua and in the forties piloted the western expeditions of John C. Frémont. Carson, not Frémont, was the Great Pathfinder — politicians and publicity agents to the contrary notwithstanding. And he probably had a wider influence in his time than any other man who ever came into the State.

The whole American pioneer element that actually settled down in New Mexico before the American Occupation in 1846 amounted to but a few dozen. Yet they gained wide influence because of their social and business connections with leading Spanish families.

134. Opposition to Foreigners Reappears. — Popular government in the Mexican Republic was losing ground. Ambitious rulers seeking despotic power felt jealous of the influence of foreigners, especially Americans. This political attitude was gradually communicated to the officials in New Mexico. And when those same despotic tendencies stirred Texas to revolt in 1832 and to open revolution and independence in 1835-1836, the American residents of New Mexico were suspected of being in some way connected with the Texan revolt or even planning a like movement here. For although there were scarcely fifty Americans in all New Mexico, American influence was weakening the ties that bound the Territory to the Mexican Republic at the same time that the overland trade was making it commercially dependent upon the United States.

135. The Revolution of 1837. — While New Mexican life was being thus stimulated by business and social contact with the robust western element from the United States, centralization was gaining control in the Mexican Republic. In 1835 General Santa Anna, President of the Republic, sent out Lieutenant Colonel Albino Pérez (äl-bē'nô pā'rës)

of the Mexican army as governor of New Mexico. He was the first Mexican governor who had not been a New Mexican by either birth or residence; and when he reached Santa Fé in June, he was coldly received. The adoption of the Mexican Constitution of 1836, making the Mexican government more like a monarchy, although it made New Mexico a coequal Department, made his position still

more uncomfortable. It looked as if outsiders were coming into as complete control as in the days of Spanish rule.

The unpopular new Constitution with its system of taxation was to go into effect in April, 1837. In the meantime General Manuel Armijo (mä-nwěł' är-mě'hō), of Albuquerque, a man of wealth and towering ambition, urged the people to resist the change. Followers flocked to his standard so easily that the movement quickly became dominated by ignorant Indians from



GOVERNOR MANUEL ARMIJO

the northern pueblos and by the lower class of New Mexicans. In August (1837) they gathered at La Cañada and issued their revolutionary proclamation against admitting the Departmental plan or any taxation.

Governor Pérez started with a hundred and fifty men to disperse the rebels; but most of his followers deserted to the enemy, and he fled to the capital. That night he left in flight toward Albuquerque. The following morning he was overtaken and beheaded and six of his companions

killed. The rebels entered Santa Fé, August 10, and elected José Gonzales (gõn-sä'lās), an ignorant buffalo hunter of Taos, as governor.

136. Armijo Seizes Control. — Thus far General Armijo had kept himself in the background; and now his Indian and New Mexican allies had left him out. He sullenly retired to his estate at Albuquerque and planned to overthrow Gonzales and reestablish the authority of the Mexican government *with himself as governor*. The undertaking proved to be easy. On his approach to the capital Gonzales fled northward. Armijo entered without opposition and proclaimed himself governor. For all this he was appointed governor and ruled (excepting the period from April 28, 1844 to November, 1845) to the end of the Mexican period. The following January (1838) he crushed the last of the rebels at La Cañada and executed Gonzales and other leading insurgents, men who had been his own associates in the plot of a year before.

137. Results of the Revolt. — New Mexico had gained nothing. Foreign residents of Santa Fé and other points had spent a year in constant dread of being mobbed. Unscrupulous persons had tried persistently to make the people believe that the American merchants in Santa Fé were connected with the revolutionary plot. And when Armijo started his counter revolution against Gonzales, the latter threatened to *call in Texan aid*. It was the idle threat of a scheming politician, but it aroused bitter indignation against the Texans, which was to have its effect at the time of the Texas-Santa Fé Expedition, four years later, and again at the opening of the Civil War (secs. 139-141, 201).

138. Progress of the Overland Trade. — These disturbances could not fail to injure the overland trade,

though it was now too well established and too deeply rooted in the needs of the New Mexicans and the enterprising spirit of the Westerners to be ruined by the disorders of the times. It dropped off heavily in 1838, only to be more than doubled in the following year. Then (1839) Governor Armijo struck it a despotic blow by his arbitrary tax of \$500 per wagon, no matter how small the load nor how coarse the goods. Again the imports dropped off. The traders, however, soon learned to use only the largest wagons loaded with goods of high value; Armijo returned to the old tariff according to the value of the goods; and the trade continued to grow.

139. The Texas-Santa Fé Expedition, 1841. — The growth of this overland commerce from the Missouri River to Santa Fé had not been overlooked by the enterprising Texans. They saw no reason why much of this profitable business might not be diverted to the shorter route from Austin to Santa Fé. In the spring of 1841, therefore, President Lamar of the Texan Republic fitted out an expedition to try its fortunes in such an enterprise. Moreover, Texas claimed all of the country east of the Rio Grande and believed that the New Mexicans, groaning under Mexican oppression, would welcome the protection and free institutions of the Lone Star Republic.¹ To provide for such an event the President sent along three commissioners to learn the sentiment of the people and offer them the protection of the Republic if they desired the change. Otherwise the commissioners were to confine their efforts to promoting plans for the overland trade between New Mexico and Texas.

¹ Perhaps the story of Gonzales's threat to call in the Texans to save him from Armijo had reached Texas.

The expedition of fifty traders with their cargoes of merchandise, accompanied by a number of scientists and sight-seers, left Austin in June, 1841, under an escort of two hundred and seventy volunteer cavalry commanded by General Hugh McLeod. Through the Indian country north to the Red River and west toward Santa Fé, over the forgotten trail of Vial (sec. 103), they came in through Antón Chico (än-tōn' chē'kō) and the Pecos country.

140. Capture and Imprisonment. — Meanwhile wild stories of the ruthless and bloodthirsty character of the



A CARAVAN ENTERING SANTA FÉ

Texans were being circulated, and Governor Armijo stationed Captain Damasio Salazar (dä-mä'syō sä-lä-sär') with a hundred troops on the east side of the mountains to watch for their approach. In September and October they arrived and were captured by Salazar and Armijo. An advance party of five men, going ahead toward Santa Fé to confer with the Governor, was captured by Salazar at La Cuesta (kwās'tä) and lined up at once to be shot,

but was saved from immediate death by the protest of Gregorio Vigil (vē-hēl'), a high-minded New Mexican with considerable influence in the Pecos country. Two of their less fortunate companions were shot for trying to escape. One of them, Samuel Howland, of New Bedford, Massachusetts, had come along as interpreter and sight-seer.

When General Armijo had gathered in all the prisoners on the east side of the mountains and confiscated their goods, he returned to Santa Fé and sent the Texans to prisons in Mexico City. South to El Paso they were under command of the cruel and ruthless Captain Salazar. As they went down the Rio Grande the cart in which a crippled Tennessean named McAllister was riding, broke down. Salazar, though he had half a dozen mules with no riders, ordered McAllister to walk fast and catch up with the crowd — or be shot on the spot. His dead body was thrown by the roadside, stripped of clothing and with both ears cut off.

When the prisoners were turned over to General Elias (ā-lē'ās) Gonzales at El Paso, all, except McAllister and four others, answered the roll call. And Salazar presented to the new commander a string of ten human ears as grim evidence that none had escaped. From there to Mexico City the men fared better; for this "General Elias" was a soldier of honor.

They did not remain long in prison. Many of them were not Texans at all, but Englishmen, Americans, and others, who had come along as traders or mere adventurers with the sight-seer's longing for strange lands. They were soon released by General Santa Anna under pressure from their governments.

141. Results of the Expedition. — Up to this time the Texan claim to eastern New Mexico and the empty threat of the rebel Governor Gonzales to call in the Texans to bolster up his declining fortunes in 1837-1838 (sec. 137-139) had aroused resentment in New Mexico. Now that feeling was intensified, and at the same time bitter indignation burst forth in Texas over the treatment of her citizens and those who accompanied them. "They were barbarously shot," wrote Sam Houston to General Santa Anna, "their bodies mangled, and their corpses left unburied. The butchery of McAllister, Galpin, Yates, and others appeals to Heaven and this nation for retribution on the heads of their inhuman murderers."

The situation was still further complicated by the fact that many Americans from all parts of the country from Texas to far-away New England were in the expedition. The story of their mistreatment and sufferings aroused widespread resentment, especially among the southwestern pioneer element, at a time when the relations between the United States and Mexico were already strained to the breaking point.

142. Effect on the Overland Trade. — Again the Santa Fé trade suffered from the disorders of the times. Early in 1843 a band of fifteen marauders from the border, under Captain John McDaniel, robbed and murdered Antonio José Chaves, a wealthy New Mexican trader, on the Trail near the Little Arkansas. A little later that spring (1843) Colonel Warfield with a band of twenty Texans raided the town of Mora and killed five men, but had to flee for his life. In May (1843) a hundred and eighty Texans under Colonel Jacob Snively went up to the Arkansas to attack the spring caravans. Their first engagement was with the

advance guard of General Armijo's escort going out to meet the caravan. Snively's men killed eighteen of the New Mexicans and captured most of the others. When those who escaped carried the news of the disaster to Armijo's camp, he fled in haste toward Santa Fé. A little later Captain Philip St. George Cooke escorted the traders to the Arkansas, disarmed the Texans, and allowed the caravan to proceed on its way toward New Mexico unmolested.

Throughout the winter of 1842-1843 Americans in New Mexico had fared badly. A score of them had fled to California; and when news came back from the Arkansas that the disaster to Armijo's men had fallen heavily on Indians from Taos, the American residents of that region had to flee for their lives.

Another serious result was the decree of President Santa Anna closing the northern ports to all foreign commerce, August 7, 1843. But the New Mexicans had too long enjoyed the comforts and conveniences secured through this trade. The caravan that spring had brought \$450,000 worth of goods. Most of the revenues of the Department came from the tariff duties. The ties binding it to the Mexican Republic were every day growing weaker. Clearly, if Santa Anna pressed his autocratic power too far, it might cost him a Department. The obnoxious decree was, therefore, withdrawn March 31, 1844, in time for the caravan to bring \$200,000 worth of goods to Santa Fé that summer. The time had passed when this commerce could be stopped by the decree of a despot.

143. The Indian Problem. — Since the close of the seventeenth century the Pueblos had given little trouble except by taking part in the general New Mexican disturbance in 1837 (sec. 135). They were a quiet, simple

people; industrious and provident, perhaps, after the Indian fashion; brave in battle, but not aggressive in the unequal contest with their wild neighbors. They numbered about 9,000 at the beginning of the nineteenth century.

The wild tribes were much more numerous. The Apaches alone counted about 15,000 during the Mexican period and were the most widely scattered. Little change had come over their conduct or that of the Navajos. They



A PACK TRAIN

murdered people and plundered the settlements almost at will. When pursued by troops, they generally escaped without suffering serious harm. Even though punished now and then, they were still uncontrolled.

144. Travel and Communication. — Travel, therefore, was nowhere safe. Nor were there any roads except the Indian trails across the plains, through the mountain passes, and along the rivers, which had been worn into rough highways by the horses, carts, and pack trains

of the Spaniards. Travel over these roads was slow and difficult. Yet the large and generous hospitality which had been one of the fine traditions of the people from the earliest days of the colony made the wayfarer in the settlements sure of shelter when night came on.

Beyond New Mexico's borders the gates were everywhere still closed at the beginning of Mexican times, except over the one long trail to Chihuahua. Then



SPANISH AND MEXICAN CARTS

quickly came the Santa Fé Trail from the Missouri River (secs. 124, 128) and the Gila and Spanish trails to California (sec. 131). Over the Chihuahua road the Mexican government established a regular mail service to Santa Fé twice a month. By the forties it came only once a month and very irregularly at that. Santa Fé and Tomé (tō-mā'), near Belen, were the only post offices in all New Mexico.

145. Commerce and Industry. — The opening of these new trails, especially the one to the Missouri River, revo-

lutionized and multiplied the trade of the province many fold in a single generation. Formerly the one long trail from Vera Cruz and Mexico City had been the only source of supplies from the outside world. Now American and New Mexican traders were bringing many thousands of dollars' worth of goods by regular caravan over the shorter trail from the Missouri River every summer. New Mexico no longer faced south, but east. Her front door was not the Rio Grande highway, but Apache Canyon.

In agriculture there was no marked change. Stock raising made some advance. Sheep raising in particular was benefited by the new American market for wool. The day of the "sheep king" was coming.

Manufacturing and industrial pursuits generally went on in the old way — by only the crudest methods of hand industry. Some distilleries, one powder factory, several small mines, and a few mills complete the story.

"These mills," wrote an American officer in 1846, "like everything else in New Mexico, are of very primitive style. There is a vertical axis, on the lower end of which is the water-wheel; the other end passes through the lower burr, and is firmly connected with the upper stone, which, as the axis turns, revolves upon the lower stone. Above all this, hangs a large hopper of ox-hide, kept open at the top by a square frame, and narrowed off towards the bottom, so as to present the form of an inverted cone. In the extremity of the bag is a small opening, and this is fastened to a little trough. One end of this trough being supported by its connection with the hopper, the other end, or mouth, is sustained by a horizontal strip of wood, of which an extremity rests on an upright; and the other is upheld by an inclined stick that rests on the upper burr, so that the motion of the burr gives a jostling motion to the trough and hopper; thus the grain falls into the opening in the center of the upper burr, and passes out between the two burrs."

146. Education. — The Mexican period saw little progress in education. The missions had always been primarily occupied with the Indians. Spain's declining power in the beginning of the nineteenth century had left little energy for anything but the bare fight for existence. Many of the Franciscans withdrew from New Mexico at the beginning of the Mexican period. The Mexican Republic suffered from frequent revolutions and a rapid succession of rulers. And New Mexico had little money to invest in education. Santa Fé, Albuquerque, and a few other towns had private schools. Teachers were few and poorly trained.

147. The Introduction of Printing. — There was but one printing press and one printer in New Mexico prior to the American Occupation (1846). The press was probably brought from Mexico City¹ in the spring of 1834, and the printer, José María Baca, came from Mexico City and was publishing a periodical in Santa Fé in the summer of 1834. A year later Father Antonio José Martínez, of Taos, brought out four numbers of *El Crepúsculo* (krā-pōōs'kōō-lō), the Dawn, the second periodical and the first one whose name is known. Two others appeared in the next ten years.

148. Social Life. — The generous hospitality of the well-to-do New Mexican families was proverbial. Even the adobe hut of the poorest ranchman was open to the passing stranger. The people were polite, easy going, pleasure loving, contented, intensely fond of home and family. Of an artistic temperament, they were inordinately fond of music and dancing. Cock fighting, card playing, and dice, with a considerable amount of gambling, made up a regular part of the sport and recreation of the time.

¹ Josiah Gregg, the famous Santa Fé trader, believed that the press came from the United States (*Commerce of the Prairies*, I, 200).

Wine flowed freely, though drunkenness was rare. Whisky was practically unknown until after the coming of the Americans in the twenties. Then Taos whisky became as famous as El Paso wine. Petty offenses were frequent; serious crime was rare.

The population was composed of two fairly distinct classes: (1) the old and well-to-do families of pure Spanish

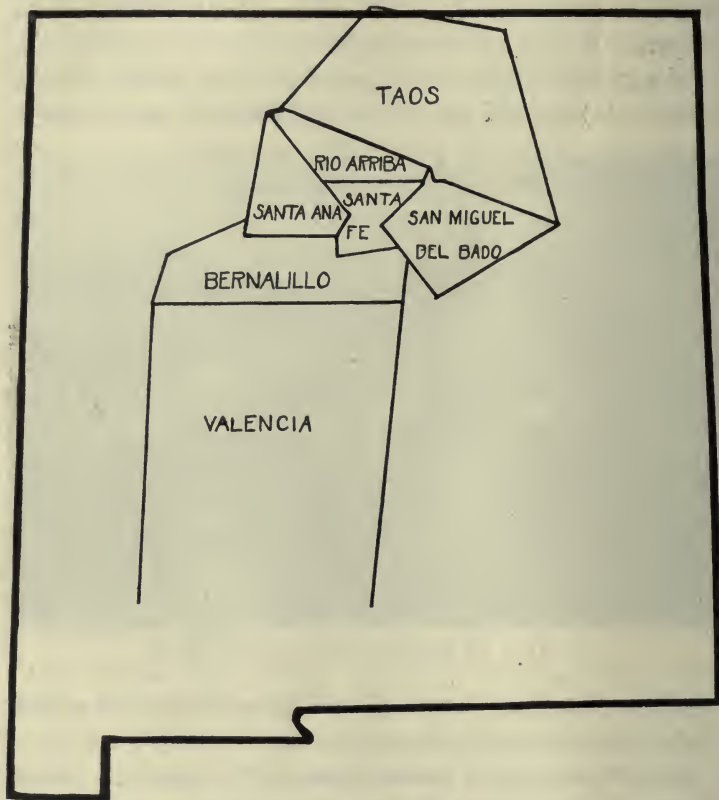


A SANTA FÉ STREET SCENE IN THE FORTIES

blood and traditions; and (2) the lower classes, of mixed blood, part Spanish and part Indian.

149. Peonage and Indian Slavery. — From this latter class came the peons. The peon was not a slave whose person might be sold from master to master, but an unfortunate debtor bound by Spanish and Mexican custom to “voluntary” service until his debt was paid. The pittance of two or three dollars a month which he received in goods at his master’s price would barely support himself

and family, if he had a family. And in extreme cases the poor fellow might work a lifetime, only to find that his debt of fifty or a hundred dollars was still unpaid and that one



THE SEVEN COUNTIES OF NEW MEXICO, 1846

After an old government map drawn by order of General Kearny.

of his children must enter this unjust servitude for him. He was a slave without the name, but more unfortunate than the American Negro because no master was responsible for his support in sickness or old age.

There was also undisguised Indian slavery. Navajo captives were the favorites. Girls and women sold for from a hundred to three hundred dollars each.

150. Government. — With Mexican independence came new political customs. In 1822 the people *elected* the members of an "electoral college" to choose a Territorial legislature and a Deputy to represent New Mexico in the Mexican Congress. That was the first general election in New Mexico. Furthermore, any town of a thousand inhabitants might have an *ayuntamiento* (ä-yōōn-tä-myān'tō), or popular common council. A judicial system was outlined by the Constitution of 1836, but never organized in New Mexico.

The governor was still appointed by the authorities at Mexico City, though generally from a list of persons named by the New Mexico legislature. Until 1837 he was known as *Jefe Político* (hă'fă pō-lē'té-kō), or Political Chief of the Territory, then as Governor of the Department. After 1837 he controlled all departments of the government almost as completely as in Spanish times (sec. 121). The Department was divided into three districts, each under a prefect appointed by the governor. These districts were again divided (by decree of 1844) into seven counties — Taos, Rio Arriba (är-rē'bä), Santa Fé, San Miguel del Bado, Santa Ana, Bernalillo, and Valencia — with alcaldes, or justices of the peace, nominated by the prefect and appointed by the governor.

151. The End of the Mexican Era. — This centralized scheme of government was a part of the general plan of the dictator, General Santa Anna, who was many times president of the Mexican Republic; but it had little strength of its own because it was not deeply rooted in the . •

affections of the people. Nor was it likely to gain in popularity in the hands of an autocrat like Governor Armijo. Only a slight jar would be necessary to cause the whole structure to topple down. Such a jar came from events taking place in Mexico City, on the Rio Grande in southern Texas, and in the United States.

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SPECIAL TOPICS

1. THE SANTA FÉ TRAIL. H. M. Chittenden, *The American Fur Trade of the Far West*, II, 530-553; H. Inman, *The Old Santa Fé Trail*, 27-101.

2. CHARACTER AND IMPORTANCE OF THE SANTA FÉ TRADE. H. M. Chittenden, Same as above, II, 489-529; F. L. Paxson, *The Last American Frontier*, 53-69; Josiah Gregg, *The Commerce of the Prairies, or, The Journal of a Santa Fé Trader*, 1831-1839.

3. THE SOUTHWESTERN FUR TRADE. R. G. Thwaites (ed.), *The Personal Narrative of James O. Pattie of Kentucky* ("Early Western Travels" Series, XVIII); T. M. Marshall, "St. Vrain's Expedition to the Gila in 1826," in *Southwestern Historical Quarterly*, XIX (Jan., 1916), 251-260, also in *The Pacific Ocean in History*, 429-438.

4. THE TEXAS-SANTA FÉ EXPEDITION. T. M. Marshall, "Commercial Aspects of the Texas Santa Fe Expedition," in *Southwestern Historical Quarterly*, XX (Jan., 1917), 242-259; G. W. Kendall, *Narrative of the Texas-Santa Fé Expedition*, 2 vols.

5. POLITICAL AND SOCIAL CONDITIONS IN MEXICO. J. H. Smith, *The War with Mexico*, I, 1-57.

6. RELATIONS BETWEEN THE UNITED STATES AND MEXICO, 1825-1846. J. H. Smith, *The War with Mexico*, I, 58-111; G. L. Rives, *The United States and Mexico*, 1821-1848. 2 vols.

QUESTIONS AND SUGGESTIONS

1. Who is called the Father of the Santa Fé Trade? Why? Why did he succeed where so many others had failed?
2. Of what importance was the fur trade? Why do we know so much less about it than about the overland trade?
3. Why was the overland trade popular with the Americans? New Mexicans? New Mexican officers?
4. What would a caravan coming west be loaded with? Going east? How profitable was the business?
5. Trace the Santa Fé Trail on your map, indicating important points.
6. Give an account of the overland journey. What was the usual "freight rate" to Santa Fé?
7. Why did not this commerce receive more support from the American government?
8. When was communication with California first established? Trace the Gila Trail; the Spanish Trail.
9. Mention some of the earliest American pioneers in New Mexico. What do you know about Kit Carson?
10. What were the causes of the revolutionary disturbance in 1837-1838? How did General Armijo get control of affairs?
11. What were the results of the revolt? Was New Mexico better off for it? Why? How did it affect the overland trade?
12. What were the objects of the Texas-Santa Fé Expedition? Why did it fail in both? How did it affect the Santa Fé trade? American residents of New Mexico?
13. What Indians were most troublesome during this period? Why were they still uncontrolled?
14. What were the conditions of travel within New Mexico? Of communication with the outside world?
15. What changes came over New Mexican commerce in this period? Agriculture?
16. What were the chief industrial activities of the region?
17. Why was there so little progress in education? When was printing introduced?
18. Describe the social life and customs of the time. What were the chief sports and amusements?
19. How did peons differ from slaves?
20. What were the chief political changes at the beginning of Mexican independence? What changes were made by the Mexican Constitution of 1836?
21. Why was Mexico in danger of losing New Mexico?

CHAPTER IX

THE AMERICAN OCCUPATION

I. CAUSES OF THE MEXICAN WAR

152. Anarchy in Mexico. — Republican government in Mexico was so unstable that by 1832 General Santa Anna was able to overthrow the constitution and set up a dictatorship. Many of the Mexican states rose in revolt against him and in defense of the constitution. Texas, whose people came largely from the United States, was the natural leader in such a movement. The American element there had but recently helped to conquer the western wilderness and to build the new States in the Mississippi Valley and would not be satisfied to live long under a military dictatorship anywhere. The struggle rapidly became a revolution. Texas declared her independence and won it at San Jacinto (hä-sēn'tō), April 21, 1836.

American life and property were already unsafe in Mexico, and the Texan revolution made the situation worse; for many Americans, especially Westerners, had sympathized with the Texans and helped them in their struggle for independence. All over Mexico from that time on Americans were mistreated, their property was destroyed, and no redress could be had. We have already seen instances in New Mexico in 1837 and again in 1841 and 1843 (secs. 134-137, 139-142). Claims for damages to property alone quickly mounted into the millions (sec.

1811); but payment was not forthcoming. The story of the sufferings of American citizens who had accompanied the Texas-Santa Fé Expedition, drifting back into the United States in the summer of 1842, added to the difficulties of the situation.

153. The Annexation of Texas. — The Westerners were clearly impatient because their government failed to take more vigorous action toward Mexico. Meanwhile a steady stream of pioneers from the Mississippi Valley was pouring into the Republic of Texas, yet longing for the protection of the Stars and Stripes to follow them.

Back in the United States, however, the movement for the annexation of Texas was hindered by the controversy over slavery then going



PRESIDENT JAMES K. POLK, 1845-1849

on between the North and the South. Because Texas lay next to the slave States the Abolitionist forces of the North and East opposed the annexation of Texas, while the whole country was clamoring for the acquisition of Oregon. But the spirit of expansion won. James K. Polk's campaign cry (1844) of the "reoccupation of Oregon" and the "reannexation of Texas" summed up this spirit and reminded the Americans that they had once had a shadowy claim to Texas as a part of the Louisiana Purchase. They

gave the policy a clear indorsement at the polls that fall, and Texas was annexed the following year.

154. The Controversy over Texas. — The Texan Republic in 1836 had defined its boundaries to include all former Mexican territory east of the Rio Grande. President Polk, recognizing that much of this region, especially eastern New Mexico, was historically Mexican territory separate and distinct from Texas, immediately sent a representative to Mexico to settle the boundary question in a just and friendly manner — offering to buy the whole disputed region.

But Mexico refused to discuss the boundary or even to hear the President's proposals for a peaceable settlement. She still claimed that *all of Texas* was hers, though that country had been an independent Republic for nine years — recognized by the United States, England, France, and other European countries — before annexation. Mexico insisted that Texas was still one of her Departments. The worn-out theory that the trouble was over some "disputed territory" lying between the Nueces and the Rio Grande was pure fiction manufactured in the United States and never recognized by any Mexican until the armies faced each other across the Rio Grande at Matamoros (mä-tä-mō'rōs) in April, 1846. Then, for the first time, General Ampudia (äm-pōō'thyä) took advantage of the American myth of the "disputed territory" and ordered General Taylor back *across the Nueces*.

The territory in actual dispute was the *whole State of Texas* to the Sabine River. But Texas was already under the Stars and Stripes; and no American, not even the most conservative Easterner, thought of discussing that question. President Polk, therefore, sent Brigadier General

A historical map of the Mexican-American War theater, showing the southwestern United States and northern Mexico. The map includes state and national boundaries, major cities, rivers, and military campaign routes indicated by dashed lines. Key locations include San Diego, Los Angeles, San Antonio, and Mexico City. The Gulf of California and Gulf of Mexico are also labeled.

THEATER OF THE
MEXICAN WAR

territory — from invasion until such time as Mexico should be ready to make a reasonable settlement.

155. The Spirit of Expansion. — This was the heroic age in the westward expansion of the American people. The movement for New Mexico and California was rooted in the ancient land-hunger of the race and in the restless, pushing energy of the western pioneer with his feeling of manifest destiny to rule the continent. "The Westerners," said the late Theodore Roosevelt, "honestly believed themselves to be indeed created the heirs of the earth, or at least so much of it as was known by the name of North America, and were prepared to struggle stoutly for the immediate possession of their heritage." Texas was already American. The commerce of New Mexico was completely Americanized (secs. 124-127, 138, 145); and the same process was going on in California.

156. The Commencement of Hostilities. — In March, 1846, Mexico definitely refused to discuss Texas or the boundary question, and General Taylor moved his Army of Occupation from Corpus Christi to the Rio Grande opposite Matamoros. On April 24 the Mexican commander sent word that hostilities had begun, and his troops began to cross to the American side of the river. The following day they fell upon a detachment of Taylor's men, killed eleven, wounded six others, and captured the remainder. The fateful blow had been struck. When the news reached Washington, President Polk laid the whole situation before Congress, May 11, 1846. "Mexico has passed the boundary of the United States, has invaded our territory and shed American blood upon American soil . . . war exists, and, notwithstanding all our efforts to avoid it, exists by the act of Mexico herself."

Congress immediately recognized the existence of war, and the War Department made plans for striking at three

different points at the same time. (1) General Taylor's "Army of Occupation" was to cross the Rio Grande and move toward Mexico City. (2) General John E. Wool's "Army of the Center" from San Antonio was to march on Chihuahua. (3) Colonel Stephen W. Kearny with a new "Army of the West," to be assembled at Fort Leavenworth, was to occupy New Mexico and California. The Vera Cruz expedition under General Winfield Scott, which brought into the field a fourth army, was not planned until the following November.

II. THE OCCUPATION OF NEW MEXICO

157. Kearny and the Army of the West. — Colonel Kearny was a professional soldier of first-rate ability, wide experience, high character, and with no political fortunes to be cared for. He was promoted to the rank of brigadier general just after leaving Fort Leavenworth. His army for the conquest of the northern provinces of Mexico consisted of 1,658 men.

Colonel Sterling Price's force of 1,200 and the Mormon Battalion of 500 following later increased his command to nearly 3,400 men, though none of these reinforcements reached New Mexico until Kearny had gone on to California.



GENERAL STEPHEN W. KEARNY

158. The March to Bent's Fort. — The last days of June and the first week in July (1846) Kearny's forces strung out across the plains with a supply train of a hundred wagons and more than a thousand pack mules, and was accompanied by the annual traders' caravan of four hundred and fourteen white-covered "prairie schooners" with nearly a million dollars' worth of goods bound for



Courtesy of R. E. Twitchell

KEARNY'S ARMY ON THE MARCH

Santa Fé and Chihuahua, over the well-known Santa Fé Trail. After a month's steady marching they crossed to the south side of the Arkansas, about nine miles below Bent's Fort. Here they made a brief stop in order that the various detachments might come together and march into the country of the New Mexicans as one effective unit.

159. Entering New Mexico. — Crossing the Ratón Pass and following the trail by the Wagon Mound, Kearny entered Las Vegas on the morning of August 15, assembled

the people in the plaza (plä'sä), or public square, and addressed them through Antonio Roubidoux, the interpreter (sec. 132). He absolved them from all allegiance to the Mexican government and to General Armijo and proclaimed himself governor, promising protection to their persons, property, and religion, "the weak as well as the strong; the poor as well as the rich."



Courtesy of R. E. Twitchell

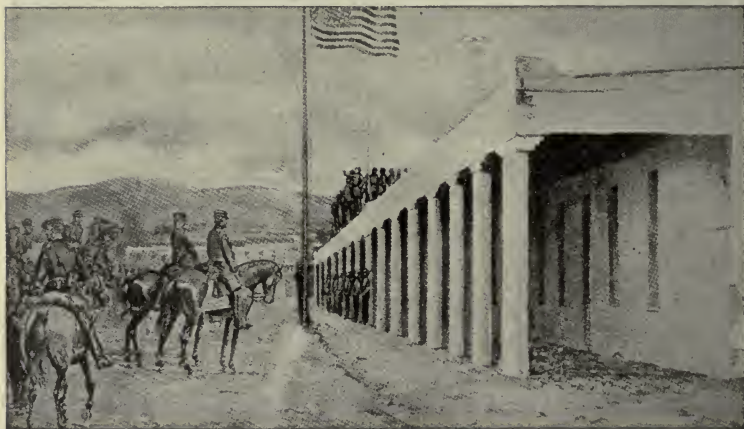
GENERAL KEARNY ADDRESSING THE PEOPLE AT LAS VEGAS

Moving on toward Santa Fé, General Kearny made brief stops at Tecolote (tā-kō-lō'tā), San Miguel, and Pecos, and repeated substantially the performance at Las Vegas — read his proclamation, accepted oaths of allegiance, and passed quietly on.

160. The Approach to Apache Canyon. — From the time Kearny reached Bent's Fort reports had been coming in from various sources that the New Mexicans were making feverish preparations to resist the American advance. He, therefore, sent Captain Philip St. George Cooke ahead to Santa Fé to negotiate with General Armijo

for the peaceful surrender of the Department. Cooke's description of Armijo is worth recording: he was "a large, fine looking man, although his complexion was a shade or two darker than the dubious and varying Spanish; he wore a blue frock coat, with a rolling collar and a general's shoulder straps, blue striped trousers with gold lace, and a red sash."

Though cordially received by the Governor, Cooke got no assurance except that Armijo would resist with his whole force. And a few days later the news reached Kearny that Armijo had four thousand men with six cannon stationed at Apache Canyon, fifteen miles from Santa Fé, to give battle in a position so strong by nature that the Americans could hardly hope to force the passage.



Courtesy of R. E. Twitcher

GENERAL KEARNY ADDRESSING THE PEOPLE IN SANTA FÉ, AUGUST 19, 1846

161. The "Americans" Enter Santa Fé. — But when the American army filed into the canyon on the morning of August 18, Armijo's forces had broken up and left, and

the General and his personal followers were in hurried flight down the Rio Grande. By sundown the army was encamped on the hills above the town of Santa Fé, General Kearny was in the Palace of the Governors, and the Stars and Stripes were floating over the plaza. A salute of thirteen guns announced the end of the Mexican period and the beginning of the American. "Here," says Lieutenant Emory, "all persons from the United States are called *Americans*, and the name is extended to no other race on the continent."

On the following morning (August 19) General Kearny assembled the people in the plaza, explained to them that he had come to take possession of the country for the United States, and proclaimed them American citizens. Acting Governor Juan Bautista Vigil pledged his loyalty to the new government. Many Pueblo governors and even the Navajo chiefs came in and promised friendship.

162. A Bloodless Conquest. — Without firing a shot General Kearny had captured Santa Fé and the whole Department of New Mexico. Accustomed to frequent political changes during the Mexican period, neglected by the Mexican government, and already drawn into close business relations with the American West, the New Mexicans accepted the change with slight opposition and welcomed the prospect of becoming American citizens. Unfortunately, however, in declaring the people citizens Kearny had gone beyond the power of any commander, and much dissatisfaction resulted.

Five days after their arrival the troops began the erection of Fort Marcy on the high hill northeast of the town, the first American military post in New Mexico

163. The New Government. — With the march to Cali-

fornia ahead and winter coming on, General Kearny hastened to organize a new government for New Mexico as a Territory of the United States. September 22 he appointed Charles Bent, governor; Donaciano (dō-nä-syā'nō) Vigil, secretary; Joab Houghton, Antonio José Otero, and Charles Beaubien, judges of the superior court.

Bent, the new governor, was an old pioneer with influential business and social connections. A Virginian



DONACIANO VIGIL

by birth, a West Pointer by training, a fur trader and merchant by occupation, he was a New Mexican by choice of residence and family ties. He had come to Santa Fé as early as 1826 and had married into the prominent and wealthy Jaramillo family of Taos. He was a partner in the firm of Bent and St. Vrain, the largest fur-trading concern in the Southwest, and had extensive business interests

in Santa Fé and elsewhere. He knew New Mexico and New Mexican conditions and enjoyed the confidence and respect of the New Mexican people.

164. The "Organic Act" and the "Kearny Code." — Kearny's Organic Act provided a complete Territorial form of government, granted the right to vote to all free male citizens, and fixed the first Monday in August, 1847, as the date of the first election for Delegate to Congress and members of the Territorial legislature. But the newest feature of it was the Bill of Rights, so characteristic of English liberty everywhere, guaranteeing freedom of

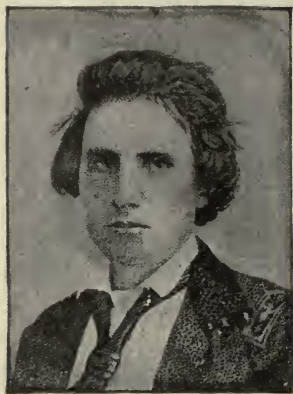
speech and the press, of religion, of assembly and petition, as well as the privilege of the writ of *habeas corpus* and the right of trial by jury.

The Kearny Code of laws for the new Territory embraced many old and well-known customs, but contained the unfortunate provision that all land titles held under grants from the Spanish and Mexican governments must be registered within five years, or forfeited. Though meant to clear up titles, it aroused much suspicion lest it might be the first step in a policy of seizing the best lands.

165. General Kearny Leaves for California. — With the new government fully established and everything quiet, Kearny set out for California, September 25. A few miles below Socorro he met Kit Carson, the great pathfinder (sec. 133), on his way to Washington with news of the conquest of California by Stockton and Frémont. Kearny sent most of his force back to Albuquerque and proceeded westward with a hundred cavalry and a small pack train. Knowing that Carson had just come over the Gila Trail (sec. 131), he sent the messages on to Washington by other hands and asked the great pathfinder to turn back to the coast as guide for the American troops. Carson's sense of patriotic duty was so high that he willingly gave up his journey to Washington and the visit to his family at Taos, but a few days away, and turned his face again to the western mountains and the Pacific.

Kearny crossed the Colorado River into California November 25, just in time to play a decisive part in the Second Conquest of the great Pacific coast province; for the Californians had risen in revolt and undone the work of the preceding season.

166. Doniphan's Navajo Campaign. — Colonel Alexander W. Doniphan was left in charge of New Mexico with orders to march southward to assist General Wool's Army of the Center (sec. 156) in the conquest of Chihuahua as soon as Colonel Sterling Price arrived with his Missouri Mounted Volunteers to take command in New Mexico.



COLONEL ALEXANDER W.
DONIPHAN

In the meantime, however, the raids of the thieving Navajos became so bold that Doniphan had to make a campaign against them before starting to Chihuahua.

Over high mountains and through deep snows, he swept across the Continental Divide and into the very heart of the Navajo country in the northwest and forced the Navajos to make a treaty at Bear Spring, in which they promised to restore prisoners and property and to stop their plundering raids — a mere “scrap of paper” to be broken as soon as the troops were gone.

167. The March to Chihuahua. — Doniphan was now ready to start southward. The traders' caravan (sec. 158) accompanied him down the Rio Grande over the same route that had been followed by the Spanish pioneers and their descendants for nearly three centuries.

On the afternoon of Christmas Day (1846), just after they went into camp at Brazito (brä-sē'tō), twelve miles below Doña Ana, they were attacked by a force of twelve hundred Mexicans. Within forty minutes the enemy were

fleeing southward in utter rout. Two days later, without opposition, the Americans occupied the old Spanish town of El Paso del Norte (now Juárez).

168. The Capture of Chihuahua. — Here Doniphan learned that General Wool had abandoned his expedition against Chihuahua (sec. 158) in order to coöperate with General Taylor in the campaign around Monterey. Before marching on Chihuahua, therefore, he sent back to Santa Fé for reënforcements. Meanwhile the merchants rented store rooms and did a thriving business. Their loads were lighter when the march was resumed in February.

At Sacramento Pass, fifteen miles north of Chihuahua, Doniphan found the Mexican Army of the North, four thousand strong, intrenched and ready to dispute the passage. Again the Americans carried everything before them. The Mexicans fled toward Durango. Doniphan entered Chihuahua, March 1, and two months later started east to join General Wool at Saltillo (säl-tě'yö). But the story of that movement would carry us beyond the limits of this book.

169. Colonel Cooke's Wagon Trail to California. — Thus far we have had no record of any overland traffic to California except by pack train. General Kearny, however, left Captain Cooke, now promoted to the rank of lieutenant colonel, with instructions to conduct his wagon train of supplies through to the coast. Cooke did not turn west from the Rio Grande by the Copper Mine Trail, as Kearny had done, but continued down to the region of Fort Thorne in the Rincón country and swung away to the southwest through the Mimbres Valley to the San Pedro River, out through Tucson (tōō-sōn') to the Gila and on to California.

This route entirely avoided the rough mountainous

country of the Gila Trail a short distance to the north, and was the most practical caravan route to the coast that had yet been found. It opened the first wagon road across the continent to California and became the determining factor in the Gadsden Purchase when the United States planned to build a railroad to the Pacific a few years later. It is closely followed to-day by the Santa Fé Railroad from Rincón to Deming; by the El Paso and Southwestern from Deming by Douglas to Benson, Arizona; and by the Southern Pacific from Benson by Tuscón to the Gila and down to the Colorado.

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SPECIAL TOPICS

1. TEXAN INDEPENDENCE AND ANNEXATION. G. P. Garrison, *Westward Extension, 1841-1850* ("American Nation" Series, XVII), 85-156; R. M. McElroy, *The Winning of the Far West*, 1-85; E. D. Adams, *British Interests and Activities in Texas, 1838-1846*.
2. THE SPIRIT OF EXPANSION. T. Roosevelt, *Thomas Hart Benton* ("American Statesmen" Series), 23-68, 157-183.
3. PRELIMINARIES OF THE MEXICAN WAR. G. P. Garrison, Same as above, 188-227; R. M. McElroy, Same as above, 130-176; J. H. Smith, *The War with Mexico*, I, 117-155, 181-203.
4. THE ARMY OF THE WEST. J. H. Smith, Same as above. I, 181-224; J. T. Hughes, *Doniphan's Expedition*, 21-83.
5. THE OCCUPATION OF SANTA FÉ. J. H. Smith, Same as above, I, 184-297; R. M. McElroy, Same as above, 177-188; J. T. Hughes, Same as above, 78-119.

6. DONIPHAN'S EXPEDITION. J. H. Smith, Same as above, I, 298-314; J. T. Hughes, Same as above, 143-203, 255-386.
7. THE CALIFORNIA CAMPAIGN. J. H. Smith, Same as above, I, 315-346; P. St. Geo. Cooke, *The Conquest of New Mexico and California*, 125-307; R. M. McElroy, Same as above, 188-202; J. T. Hughes, Same as above, 120-142, 204-254.

QUESTIONS AND SUGGESTIONS

1. What caused the revolutionary movements in Mexico? Why were the Texans natural leaders?
2. In what way were Americans concerned? What view did the Westerners take?
3. What was the chief objection to the annexation of Texas? Why did Polk's annexation policy carry?
4. Why was not the Texan boundary peaceably settled? What was the "disputed territory"?
5. Can you give other examples of the "spirit of expansion" in American history?
6. How did the Mexican War begin? What was the American plan of operations?
7. How large was Kearny's Army of the West? Trace the route it followed to New Mexico.
8. Relate interesting incidents of the Occupation.
9. Outline the new government set up by General Kearny. What was the "Organic Act"? The "Kearny Code"? How was the government improved?
10. Why did Kearny go on to California? What news did Kit Carson bring? Why did he go back to California?
11. What were Doniphan's plans? Why was he delayed in starting south? Give an account of his Chihuahua campaign.
12. Trace Cooke's wagon trail to California. Why is it especially important?

CHAPTER X

PROVISIONAL GOVERNMENT, 1846-1851

170. Trouble Brewing. — When Colonel Doniphan left for Chihuahua in the fall of 1846, Colonel Sterling Price's forces for the control of the newly acquired Territory numbered about two thousand men, mainly undisciplined volunteers with little or no military experience. Most



GOVERNOR CHARLES BENT

of them were stationed at Santa Fé; and although they completed Fort Marcy that fall and winter, they still had abundant time for getting into trouble in the town.

The situation was difficult at best. A people but recently conquered was now under military control. The land-owning class was suspicious and uneasy. Many of the volunteers who had been deserted by General Armijo at Apache Canyon were lingering around Santa Fé to see what would happen. And there were many patriotic New Mexicans whose hearts burned with indignation at the thought of surrendering their country without striking a blow in its defense.

171. The Revolutionary Plot. — General Kearny and Colonel Doniphan were not out of the Territory before

rumors of discontent began to be heard. Early in December the leading revolutionary spirits held secret meetings in Santa Fé and laid their plans to strike a sudden blow that would shake off American control before it became too firmly rooted. Certainly it was not treason for them to rise up and try to expel the foreign enemy in time of war.

Midnight of December 19 was the hour set for a general uprising throughout the Territory. In Santa Fé the peal of the parish church bell was to be the signal for beginning the bloody work. But their plans were not all ready for the nineteenth; and the uprising was postponed until Christmas Eve, when the soldiers would be down town unarmed attending the dances and other festivities. The delay was fatal. The plot leaked out, and the leaders fled or were imprisoned.

172. The Outbreak at Taos. — The revolutionary spirit, however, was not dead. It was waiting a more favorable

opportunity. That opportunity came when Governor Bent went to his home in Taos in January, 1847. Taos, the old trading center on the northern frontier with a population from everywhere, had a liberal quota of men whose chief means of livelihood was to stir up trouble. No sooner had the Governor reached the town than a



A MODERN TAOS TYPE

few of these desperate characters and their Indian allies began to lay their plans for foul business. Pablo Montoya, Manuel Cortés, and a Taos Indian named Tomasito (tō-mä-sē'tō) Romero were the leaders. The Pueblos, resentful at being punished in the new courts and fearing that the Americans were going to take their tribal lands away from them, fell easy victims to the plot.

During the early morning hours of January 19 a mob of Indians came down from the pueblo of Taos and were joined by the revolutionists of the town. They broke down the door of Governor Bent's house, filled his body with arrows, and scalped him alive. Then they murdered five others and wound up their orgy of crime by sacking the houses of the American residents of Taos, many of whom fled for their lives.

173. The Revolt Spreads. — The same day that the Governor was murdered seven men were killed and one was wounded at Turley's Mill, twelve miles northwest of Taos, and two others were killed a little farther north. The next day at Mora a band under Manuel Cortés, who had fled from Taos, robbed and shot a company of eight or nine traders on their way to the Missouri frontier.

The north, particularly the Taos Valley, began organizing a revolutionary army to march on Santa Fé. Messengers rushed away to the settlements down the Rio Grande, urging the people to rise in revolt.

174. Colonel Price Marches on Taos. — But quickness of action was not all on one side. Swift couriers carried the news over the snow-covered mountains to Santa Fé; and on January 23 Colonel Price started for Taos with three hundred and fifty-three men, including St. Vrain's company of Santa Fé volunteers. Among them were

Manuel Chaves and Nicolás Pino, both prominent New Mexicans who had been arrested the month before for taking part in the earlier plots at Santa Fé, but who now set themselves sternly against the murderous movement at Taos.

At La Cañada and again at Embudo on the way northward Colonel Price met the insurgents in hot skirmishes and put them to rout. He reached Taos on February 3 and on the following morning surrounded the pueblo, in which the insurgents had taken refuge, and began a steady cannonade. By the middle of the afternoon they were in flight toward the mountains. Next morning the Indians delivered Tomasito Romero to Colonel Price and begged for peace.



COLONEL STERLING PRICE

175. The Revolt Crushed. — Tomasito was shot by a soldier in the guard house; Pablo Montoya, the ringleader, was court-martialed and shot; Pablo Chaves had been killed in battle; fourteen other conspirators were convicted and executed for the murder of Governor Bent.

Manuel Cortés alone of the leading conspirators was still at large. He continued his bandit operations on the east side of the mountains throughout the summer. Chance engagements occurred at Mora, Las Vegas, Red River Canyon, and Antón Chico. But the revolt had failed, and one lesson was clear: American control was an established fact.

176. Civil Government under Military Control. — The excitement caused by the uprising, however, threw the

whole government of the Territory into the hands of the army and left hardly more than the name of *civil* government for the next four years.

Governor Bent was succeeded by Donaciano Vigil. The first and only session of the Legislative Assembly authorized by Kearny's Organic Act (sec. 164) was held in Santa Fé in December (1847). Its acts were approved by the governor *and by Colonel Price as commander of the Military Department*. The will of the commanding officer was law. And when Governor Vigil went out of office in October, 1848, Colonel John M. Washington, commander of the Department, assumed the functions of civil and military governor. Colonel John Munroe, his successor a year later, held the same position until the organization of the Territorial government, March 3, 1851. That such a government should enjoy any great popularity was too much to expect.

177. The Close of the Mexican War. — While these events were taking place in New Mexico, General Taylor had overwhelmed Santa Anna at Buena Vista (bwā'nä vēs'tä), and General Scott had fought his way to the heart of the Republic and captured Mexico City itself. The treaty of Guadalupe Hidalgo, signed February 2, 1848, and ratified May 30, provided (1) that Mexico should give up all claim to territory east of the Rio Grande and cede New Mexico and Upper California to the United States; (2) that the United States should pay to Mexico \$15,000,000 besides paying off \$3,250,000 of the claims of American citizens against Mexico (sec. 152); (3) that the inhabitants of the ceded territory should become American citizens unless they moved out or formally declared within a year their intention to retain their Mexican citizenship; and (4) that they should be "admitted at the proper time

(to be judged by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States."

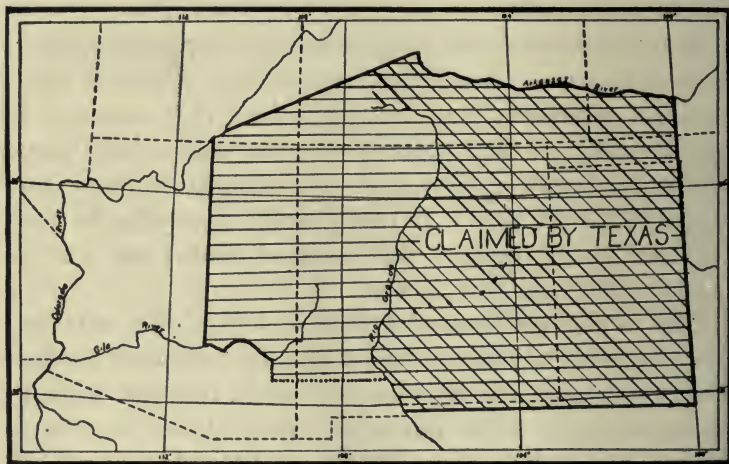
178. The Conventions of 1848 and 1849. — A convention of delegates called by the Legislative Assembly of December, 1847 (sec. 176), for the following February did not meet until October. In a four days' session at Santa Fé it protested against the Texan claim to the east side of the Rio Grande (secs. 139, 189) and the introduction of slavery, and petitioned Congress for the speedy organization of a Territorial government "purely *civil* in its character." Reaching Washington at a time when the great anti-slavery agitation had Congress in its grip, this petition secured no results.

But the war was over, and the people were restless under the continuance of war-time government. Another convention, therefore, met in September, 1849, adopted a regular plan of Territorial civil government, and sent Hugh N. Smith as Delegate to Congress to urge the approval of the plan. If that proved impossible, he was to work for statehood. But Congress denied him a seat, and another hope was blasted.

179. The First Political Parties. — Out of this agitation for organized civil government the first political parties developed. One sought the admission of New Mexico as a State; the other wanted it organized as a Territory. Consequently they were known as the "State party" and the "Territorial party." In general, the leaders of the native New Mexicans favored statehood, while the American pioneer element wanted a Territorial organization. The reason for this division is obvious. All important officials in a Territory are appointed by the President; in a State they are elected by the people.

180. The First Statehood Movement.—The State party was aroused to action in the summer of 1849 by the news that President Taylor desired to see New Mexico admitted as a State so that her people might settle the slavery question for themselves. He had the soldier's directness of action and was disgusted with the slavery controversy that was preventing proper legislation for the newly acquired territory. Slavery in high, semi-arid New Mexico was prohibited by "an ordinance of nature," anyway.

181. The Constitutional Convention of 1850.—In May, 1850, therefore, a constitutional convention met in



NEW MEXICO AS BOUNDED BY THE "STATE" CONSTITUTION OF 1850

Santa Fé and framed a constitution for the State of New Mexico. The contest for ratification was a drawn battle between the military party then in control and the people seeking self-government. The constitution itself was an excellent one, defining the boundaries as beginning at El

Paso (now Juárez) and running east to the hundredth meridian, north to the Arkansas, up that river to its source, thence to where the one hundred and eleventh meridian crosses the Colorado River, south to the Gila, and back to El Paso on the international boundary — as near a proper historic boundary for the Spanish and Mexican province of New Mexico as can be found anywhere. Over all this vast region restless New Mexican pioneers and adventurers had hunted, prospected, trapped, and fought Indians for three centuries. Historically it was their country. And many portions of the Rocky Mountains as far north as Wyoming were probably well known to them.

182. The "State" Government of 1850. — The new constitution was ratified, June 20, by the decisive vote of 6,771 to 39. William S. Messervy was elected Delegate to Congress, and a legislature and State officers were chosen at the same time. Henry Connelly, a Kentuckian, who had been engaged in trade at Chihuahua since 1828, and who had recently transferred his business interests to New Mexico, was elected governor with Manuel Álvarez (äl'vārās) as lieutenant governor. But Connelly was absent in the States, and Álvarez took office as acting governor. The legislature met, July 1, elected Francis A. Cunningham and Richard H. Weightman United States Senators, and drew up a memorial to Congress, denouncing the military officials and their high-handed methods of controlling the government, and asking admission as a State.

This new "State" government, however, soon came to grief, as had the effort at "Territorial" government the preceding year. Colonel John Munroe, commander of the Department, forbade the exercise of any authority under the new government until it was recognized by Congress.

“Governor” Álvarez was powerless. Moreover, when the constitution reached Washington that fall, the Compromise of 1850 was in its final stages, and the Organic Act for the Territory of New Mexico (sec. 185) was signed by the President the very day this constitution reached the Senate. The first effort to secure statehood had failed.

183. Beginning of the Overland Mail. — On August 25, 1846, one week after the occupation of Santa Fé, General Kearny started swift riders across the plains to Independence, Missouri, bearing the romantic story of the march to New Mexico and the bloodless conquest of the country. This was the official beginning of the overland mail between Santa Fé and Independence, or Fort Leavenworth, carried by daring horsemen and stage drivers more than a dozen years before the first ride on the trail of the better known “Pony Express” farther north. Until the close of the war the service was irregular, each mail being carried under special contract at a cost of about \$600 for the round trip to Fort Leavenworth and back to Santa Fé. A similar special-contract mail service to California was soon started. In March, 1848, the government paid \$1,000 for a trip to the coast and back.

184. The Coming of the Stagecoach. — In 1849 a regular stage line was established between Independence and Santa Fé, making the round trip once a month and carrying the mail by yearly contract. The passenger fare was \$250 each way, including fifty pounds of baggage, with a charge of fifty cents a pound for excess baggage. In the fifties the fare was reduced to \$150. Though irregular in the early years, this service was later increased to once a week and later still to three times a week. Finally in 1868 daily service was undertaken. Kansas City became

the eastern end of the line about 1850 and continued so most of the time until the railroad started west and the end of the stage line moved westward with it.

The journey of seven hundred and seventy-five miles was planned to take about two weeks and to be made without



THE OVERLAND STAGE CROSSING A MOUNTAIN PASS

From Marvels of the New West

any stops except at the relay stations along the trail to get fresh horses and a hurried meal of meat, bread, and black coffee here and there. Otherwise the passengers would take only such rest and sleep as they could get while the huge, clumsy stagecoach rumbled along over the plains

and mountains. Though the service was generally much slower than this, travel to and from the States was strenuous business.

The great stagecoach carried ten passengers and the conductor, or messenger, in charge of the mail and valuable express. "Freighting" over the Trail, too, was a business in itself, and one of large proportions.

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SPECIAL TOPICS

1. THE TREATY OF GUADALUPE HIDALGO. J. H. Smith, *The War with Mexico*, II, 120-139, 210-252.
2. EFFORTS TOWARD CIVIL GOVERNMENT. L. B. Prince, *New Mexico's Struggle for Statehood*, 3-23; W. W. H. Davis, *El Gringo*, 108-113.
3. TRAVEL ACROSS THE PLAINS. W. W. H. Davis, *El Gringo*, 13-56.

QUESTIONS AND SUGGESTIONS

1. How large was the American force under Colonel Price? Would you expect trouble between the Americans and the New Mexicans? Why?
2. What were the plans of the discontented? Why act quickly?
3. Was Taos a natural place for such trouble to start? Why?
4. Tell about the murder of Governor Bent and the spread of the revolt.
5. What measures did Colonel Price take to put down the disturbance?
6. What permanent effects did the revolt have? Good or bad?
7. What were the important provisions of the treaty of Guadalupe Hidalgo? Which of them affected New Mexico?
8. What was the purpose of the Conventions of 1848 and 1849?
9. What were the first political parties? What was the object of each? Why the difference?
10. Give an account of the first statehood movement. Why did the "State" government of 1850 not succeed?
11. Give an account of the beginning of the overland mail to the States and to California; of a journey on the overland stagecoach.

CHAPTER XI

BEGINNINGS OF THE TERRITORY, 1851-1861

185. The Organic Act. — September 9, 1850, the President signed the bill which created for New Mexico a complete Territorial civil government to take the place of the hated, half-military, half-civil organization that had held sway since the American Occupation. The governor, secretary, judges, United States attorney, and United States marshal were to be appointed by the President for terms of four years. The Legislative Assembly, consisting of a Council of thirteen members and a House of Representatives of twenty-six members, was to be elected by popular vote. The salaries of all these officials were to be paid by the United States. The governor's *veto* on legislation was *absolute* until the Organic Act was amended in 1868 to allow the legislature by a two-thirds vote to pass a measure over his veto.

All county and other local officers were to be chosen in such a manner as might be prescribed by Territorial laws. The capital was to be located in the same way. The salaries of all these officers of local government authorized by the legislature were to be provided for by taxation.

186. Governor Calhoun. — On March 3, 1851, James S. Calhoun was inaugurated as first governor under the Organic Act. He was a Georgian and a kinsman of the famous statesman, John C. Calhoun. He had served with distinction under General Taylor in the Mexican

War and had risen to the rank of lieutenant colonel. Hence he had been appointed United States Indian Agent at



GOVERNOR JAMES S. CALHOUN

Santa Fé when General Taylor became President. Two facts marked him as a good choice for governor: first, his excellent record in the difficult position of Indian Agent since July, 1849; secondly, his sympathetic support of the native New Mexican people against the Indians, on the one hand, and the military authorities and other foreigners on the other, during the trying period of provis-

ional government (Chapter X).

187. The First Territorial Legislature. — In the general election called by Governor Calhoun that spring Captain Richard H. Weightman, who had come to New Mexico in charge of a battery of Missouri light artillery under General Kearny, was elected first Delegate to Congress. A legislature representative of both Spanish and Anglo-American elements was elected at the same time.

June 2, 1851, the legislature met in the old Palace of the Governors and elected Father Antonio José Martínez, of Taos, president of the Council, and Theodore D. Wheaton, a Taos lawyer, speaker of the House. It fixed the capital at Santa Fé; divided the territory into three judicial

districts; passed a general election law under which all male citizens twenty-one years of age, except Negroes and soldiers, could vote; and provided for the continuance of all local laws that were in harmony with the Federal Constitution and the Organic Act, except the hated land-registry law of the Kearny Code (sec. 164).

At its second session, beginning in the following December, it divided the Territory into nine counties — Taos,



FIRST DIVISION OF THE TERRITORY OF NEW MEXICO INTO COUNTIES, 1851-1852

Rio Arriba, San Miguel, Santa Fé, Santa Ana, Bernalillo, Valencia, Socorro, and Doña Ana — and apportioned members of the Council and House of Representatives among them. Justice of the peace courts were then established; but singularly enough, both sessions of this first legislature came and went without the passage of any tax law.

188. Financial Troubles. — Yet there was a deficit of

\$31,562 left by the old military government, and every creditor of the Territory was receiving a warrant on an empty treasury. Nor was there any regular source of public revenue. General Kearny in 1846 had abolished the old abuse of having every kind of legal document written on *stamped paper* sold by the government at eight dollars a sheet. Then the ratification of the treaty of peace, May 30, 1848, stopping the collection of tariff duties on goods coming from the States, cut the last financial prop from



FORT BLISS IN THE FIFTIES

under the provisional government and left it three years to run on nothing. Not until 1854 did Congress provide for paying the salaries of the officers of the so-called "civil" government under the Kearny Code from 1846 to 1851.

189. Settlement of the Texas-New Mexico Boundary. — The Organic Act which created the Territorial government also settled the long-standing controversy with Texas over the region east of the Rio Grande (sec. 139). The claim of Texas had always been shadowy and uncertain. The

claim of the New Mexicans who had occupied the territory for two centuries and a half was definite and beyond reasonable doubt. Now that both were children of the great Republic it was the duty of the government to settle the quarrel justly. Congress, therefore, organized the New Mexican lands east of the Rio Grande as a part of the Territory and paid Texas \$10,000,000 to give up her claim. This arrangement had the virtue of doing justice to New Mexico by giving her most of her ancient territory and at the same time "saving the face" of Texas; for most of the \$10,000,000 was really in payment for public property of the Texan Republic, that had passed into the hands of the United States at the time of annexation.

190. Neglect and Discontent. — When Governor Calhoun took the oath of office in March, 1851, the condition of public affairs was very unsatisfactory. Though the Territory had a population of 60,000, the treasury was empty, salaries were unpaid, and Indian raids were unchecked. The anti-slavery agitation had caused Congress to leave New Mexico too long under military control — more than three years after the signing of the treaty of peace. Any government that is irregular and uncertain is for that reason unpopular; and military rule is the most universally hated of all. Much discontent remained, and many misunderstandings had to be straightened out before the new government could feel secure.

For this discontent the newly established civil government was only a partial remedy; for Territorial government is never popular self-government. It is essentially "carpetbagger" in nature; that is, it is government by outsiders. Not one of the newly appointed officials was a native New Mexican. They were all "from the States,"

and some of them did not arrive until beyond midsummer. Such conditions were not likely to increase the popularity of the new government.

191. Military Interference. — To make matters worse, Colonel E. V. Sumner, the new commander of the Military Department, took genuine delight in handicapping Governor Calhoun in his dealing with the Indians. Not only



FORT DEFIANCE IN THE FIFTIES

would he give the governor no effective coöperation against them, but he tried to keep Calhoun from organizing New Mexican volunteers to pursue the marauders. Slowly and grudgingly did the military authorities give up the control they had enjoyed for more than five years.

192. New Military Posts. — On Colonel Sumner's arrival in the summer of 1851 he broke up the post at Santa Fé, "that sink of vice and extravagance," and made his headquarters at Fort Union, a new post which he established on

the Mora River. His next move was to Albuquerque, and within a year he was back at Santa Fé to stay. During that fall (1851) he established Fort Fillmore in the Mesilla Valley and Fort Conrad (later Fort Craig) just south of Valverde to protect the lower Rio Grande Valley. At the Santa Rita copper mines he built Fort Webster to control the southwestern Apaches; and out in the Navajo country he built Fort Defiance.

But with all these posts and with troops stationed at other points, the Indians were still uncontrolled. They could move more swiftly than the troops. The fighting was particularly bitter in 1858, and in 1860 the Navajos grew so bold as to attack Fort Defiance itself.

193. Commercial Development. — The common impression that the overland trade from the Missouri frontier came to an end with the American Occupation is entirely false. In the romance of the westward march of General Kearny's army and the gold-seeking Forty-niners on their way to the Eldorado of the Pacific, it must not be forgotten that the Santa Fé trade was hardly beyond its infancy. The biggest year prior to 1846 had only reached the \$450,000 mark.

But with the American Occupation, arbitrary restrictions ceased, military protection for the caravans became a regular feature, and there was more freighting to do than ever before. After 1846 the freight charge alone (about \$11.75 per hundred) on government supplies from Fort Leavenworth to Santa Fé ran into the millions of dollars each year, — several times the value of all the goods brought in any year prior to the Occupation, — and the mercantile caravan increased accordingly. Besides the New Mexican trade to be supplied, there were now increasing numbers

of Americans wishing to buy the American goods to which they were accustomed.

194. The Forty-Niners. — Over this same old Santa Fé Trail from the Missouri River came thousands of gold seekers on their way to California in the summer of 1849. They went down the river by Albuquerque and followed Cooke's wagon road (sec. 169) toward the Pacific. Still other caravans came through Texas, crossed the Rio Grande near Mesilla, and went westward over the same route.

195. The Mexican Boundary Dispute. — Much of this caravan route, however, was through disputed territory. Inaccuracies in the map referred to in the treaty of Guadalupe Hidalgo left room for a difference of opinion as to the proper boundary between southern New Mexico and northern Mexico from the Rio Grande to the Gila. American and Mexican commissioners to survey and mark the boundary met at El Paso and agreed on a starting point on the west bank of the Rio Grande opposite the town of Doña Ana, in latitude $32^{\circ} 22'$ north. From there the line was to run a hundred and eighty miles west and then north to the Gila. But in November (1850), after about ninety miles of this line had been surveyed, Lieutenant William H. Emory came as the new surveyor for the American commission and refused to proceed with the survey unless the Mexicans would agree to a line half a degree (about thirty-four and a half miles) farther south. They of course refused, and the joint survey ended, leaving a boundary dispute to be settled later.

196. The Founding of Mesilla. — Meanwhile the new town of Mesilla (*mā-sē'yä*) had been settled in the disputed territory. Doña Ana was acquiring a considerable American population, largely from Texas. Many of the

native Mexican residents, dissatisfied with the situation, decided to seek homes under Mexican jurisdiction. In March, 1850, therefore, they moved across to the west side of the river to the Mesilla Grant, a few miles south of Doña Ana.¹ Population grew rapidly, with a liberal sprinkling of Americans. The governor of New Mexico prepared to take possession of the region; Chihuahua was ready to resist by force of arms.

197. Railway Route to the Pacific. — Events taking place far away, however, were to have the determining influence on the boundary settlement. California had been acquired by the United States at the same time as New Mexico. Gold had been discovered there in the spring of 1848. Tens of thousands of Americans had flocked to that country in the mad rush of gold seekers that crossed our great western plains in the summer of 1849. Each succeeding year saw its new line of westward-moving caravans. In 1850 California became a State of the Union. There was another *American* civilization growing up on the western coast, and the desire for union was strong. The government at Washington was quick to see the importance of the coast region and to recognize the necessity for providing means of travel and transportation across the continent — for the building of a great transcontinental railroad to the Pacific. That subject, in fact, had been agitated by a few far-seeing men for more than fifteen years, even before the United States had any possessions on the coast. In the beginning of the fifties Senator Gwin, of California, kept it constantly before the public mind.

Such a road should, of course, be wholly through *Ameri-*

¹ The Rio Grande moved to its present channel west of Mesilla during the floods of 1863 and 1865.

can territory. But you will remember that when Colonel Cooke started from Santa Fé to California with his wagon train, in 1846, he found it impossible to follow General Kearny directly west from the Rio Grande by way of the Santa Rita copper mines and the Gila Valley, and had to go farther southwest through the Deming country (sec. 169). The southern caravan route to California, in 1849 and after, came from San Antonio, by way of El Paso and Mesilla, and followed the same route westward, — part of the way through the disputed territory, but most of the way through the undisputed Mexican State of Sonora. The surveys made by the War Department in the early fifties showed that the “most practical and economical route” to the Pacific was over this same trail through Mexican territory. The United States must have that region without delay.

198. The Gadsden Purchase. — The President, therefore, sent James Gadsden, of South Carolina, who had long been interested in the project for a Pacific railroad, to Mexico as a special commissioner with instructions to settle the boundary dispute by buying the region west of the Rio Grande and south of the Gila, including the proposed railway route and all of the disputed territory. On December 30, 1853, Mr. Gadsden and the Mexican government signed a treaty of purchase by which the United States paid Mexico \$10,000,000 for all of the territory lying north of a line beginning in the Rio Grande River north of El Paso in $31^{\circ} 47'$ north latitude, running west one hundred miles, then south to $31^{\circ} 20'$ north latitude, then west to the one hundred and eleventh meridian, then northwest to the Colorado River twenty miles below the mouth of the Gila — the present southern boundary

of the United States from the Rio Grande to the Colorado. The territory thus acquired (45,000 square miles besides the disputed region) was annexed to New Mexico and made a part of Doña Ana County.

199. The Overland Mail to the Pacific. — Through this region was soon started one of the most characteristic



INDIANS ATTACKING THE OVERLAND STAGE

From Marvels of the New West

American enterprises on record. In the summer of 1857 the San Antonio and San Diego Mail began to travel twice a month each way from the Texas town to southern California, with only the El Paso settlement, Mesilla, and Tucson — and savage Indians — to break the monotony of the intervening deserts. There was no road most of the way, and the mail was carried on horseback at first. The first stages began to run in December of that year.

In that same year (1857) the government let another contract to John Butterfield for carrying the mail from St. Louis to San Francisco over this same southern route through the Gadsden Purchase. From St. Louis the route of this Butterfield Overland Stage swung away by Springfield to Van Buren, Arkansas, where the Memphis mail was taken on; across Red River near Sherman and out through west Texas by Forts Chadbourne and Belknap to El Paso; up the Rio Grande to Mesilla and west over Cooke's wagon road (sec. 169) by Tucson and the Gila River to Fort Yuma; across the burning Mojave Desert, down the San Joaquin (hwä-kên') Valley, and over to San Francisco — twenty-seven hundred and sixty miles through as wild and dangerous a country as man ever trod. But this long swing to the south avoided the winter snows in the mountains to the north and made success possible from the very beginning.

The first stages started from St. Louis and San Francisco September 15, 1858, on a schedule of twenty-five days each way, with a system of stations and relays similar to that in use on the Santa Fé Trail (sec. 188). The first contract called for service twice a week each way for \$600,000 a year. Later it became daily. Though the company lost money, it failed to bring the stages through on schedule time but three times in its history. The southern route through New Mexico to the Pacific was definitely proved to be a practicable highway before the first ride of the Pony Express by the Great Salt Lake.

200. Civil War Brings Ruin. — By 1860 this was the line which public opinion had settled as the one to be constructed; and if the Civil War had not come on to interfere with it, the first American railroad to the Pacific would have been through the Gadsden Purchase, which

had been made primarily to acquire that route. As the war approached in the spring of 1861 all hope for the building of a railroad over this southern route was destroyed, and the Butterfield Overland Stage line was abandoned, lest it should fall into the control of the Confederacy.

The Wells-Butterfield interests were allowed to transfer their horses and Concord coaches to the west end of the new northern route from San Francisco east by way of the Great Salt Lake, but their losses were so heavy that they soon went out of the mail business. They turned their attention to express and by the end of the war were monopolizing the express business of the Rocky Mountains. In 1866 Wells, Fargo and Company, recently chartered by the Territory of Colorado, was strong enough to get control of the overland mail business again — but it was not through New Mexico.

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2. INDIAN AFFAIRS IN 1852. A. H. Abel (ed.), "The Journal of John Greiner" (Daily Journal of Greiner as Indian Agent at Santa Fé, Apr. 1-Sept. 30, 1852), in *Old Santa Fé*, III (July, 1916), 189-243.

3. THE TEXAS CLAIM TO EASTERN NEW MEXICO. W. C. Binkley, "The

Question of Texas Jurisdiction in New Mexico under the United States, 1848-1850," in *Southwestern Historical Quarterly*, XXIV (July, 1920), 1-38.

4. THE GADSDEN PURCHASE AND THE ROUTE TO THE PACIFIC. F. L. Paxson, *The Last American Frontier*, 174-191.

QUESTIONS AND SUGGESTIONS

1. Outline the form of government created by the Organic Act of 1851. When was the Territorial government organized. Was Calhoun a good choice for governor? Why?

2. In what way was the new government an improvement over that from 1846 to 1851?

3. What important laws were passed by the first legislature?

4. How was the Texas boundary dispute settled? Was the settlement fair? Why?

5. Why were the people not entirely satisfied with the Territorial government? Was their dissatisfaction unreasonable? Why?

6. Why did Colonel Sumner not cooperate with Governor Calhoun against the Indians? What new military posts did Sumner establish?

7. What is the reason for the general impression that the Santa Fé trade ceased to be important after 1846? Is it correct? Why?

8. Who were the Forty-niners? What routes did they follow to California?

9. Draw a map illustrating the Mexican boundary dispute. Why was the territory so important to the United States.

10. Why did the Gadsden Purchase include more than the disputed region?

11. Give an account of the beginning of the overland stage to the Pacific.

12. Why did the first Pacific railroad not follow this same route? What effect would such a road have had on New Mexico's progress?

CHAPTER XII

THE CIVIL WAR AND THE SETTLEMENT OF THE INDIAN PROBLEM

I. NEW MEXICO IN THE CIVIL WAR

201. New Mexico for the Union. — Although the New Mexicans were accustomed to both native *peonage* and captive Indian *slavery* (sec. 149), there were only twenty-two Negro slaves in the Territory in 1861. The question of Negro slavery, therefore, was not important. Nor was the great political controversy between North and South over the nature of the Union of very vital interest in this remote region.

Moreover, New Mexico was a conquered province; and the fifteen years since the American Occupation had not been sufficient to clear away all ill feeling and develop a strong sentimental attachment to the Union. Most of the early pioneers and traders over the Santa Fé Trail had been Southerners. Most of the American officers in the Territory had been Southerners. From long association, therefore, the New Mexicans had been attached to the South. But when the first Southern advance came from Texas, popular feeling set strongly toward the Union. The long-standing controversy with Texas (secs. 137, 139-141, 189) had bred much bad feeling. Texans were intensely unpopular with the average New Mexican.

Governor Connelly took full advantage of this sentiment when he issued his proclamation of September 9, 1861,

calling for volunteers to resist invasion "by an armed force *from the State of Texas.*" The name of the Confederacy was not mentioned.

202. A Confederate Dream of Empire. — The territory of the Confederacy extended westward to El Paso. A large proportion of the people of southern New Mexico and southern California were from the South. Naturally they would sympathize with their section in the coming



contest; and if given some encouragement, they might even be able to control both these new regions. The Confederate government was anxious to extend its territory to the Pacific. As a transcontinental nation its prestige would be doubled; its credit would be increased; and it might reasonably expect early recognition by the great nations and a speedy ending of the war. It was a glorious dream of empire destined never to come true; but it brought the Civil War to New Mexico.

Four officers in the Military Department of New Mexico resigned their commissions, went South to give their swords

to their native States, and served with distinction in the Confederate armies. A few privates are said to have followed the same course. Otherwise the entire military establishment in New Mexico espoused the Union cause.

203. Confederates Take Possession of the Mesilla Valley.—In July, 1861, Lieutenant Colonel John R. Baylor of the Confederate army came up by Fort Bliss with six hundred Texans, occupied the town of Mesilla without serious opposition, and prepared to attack Fort Fillmore, then under command of Major Isaac Lynde, of Vermont. Lynde, unwilling to stand an attack in the old adobe fort with no supply of water within a mile, decided to evacuate it and join other Union forces at Fort Stanton. Baylor pursued him and captured his entire force before they crossed the Organ Pass.



COLONEL JOHN R. BAYLOR

204. The Confederate "Territory of Arizona."—Colonel Baylor returned to Mesilla and took up the political situation. Southern New Mexico, including the Arizona settlements south of the Gila, had long been discontented because they were cut off from the capital by the *Jornada del Muerto* and neglected by New Mexican officials. Conventions had been held at Mesilla (1859) and Tucson (1860) to lay plans for separating this region from New Mexico and organizing it as the Territory of Arizona.

The lesson of this history was not lost on Colonel Baylor.

He issued a proclamation August 1, organizing all of New Mexico south of the thirty-fourth parallel as the "Territory of Arizona" under the Confederate States of America, with Mesilla as the capital, himself as temporary governor, and other officials appointed by him until otherwise provided by the Confederate Congress. More than three hundred volunteers from the Mesilla Valley joined his forces.

205. Federal Preparations. — On the Federal side active

preparations were being made for the defense of the Territory. Colonel E. R. S. Canby, commander of the Military Department of New Mexico, urged the War Department to send out some regular troops. The Territorial legislature promptly authorized Governor Connelly to call out the militia. Colonel Canby enrolled and organiz-



COLONEL E. R. S. CANBY

the militia and volunteers for the coming conflict. But the Federal government was so absorbed in the operations before Washington and the contest for the control of Missouri and the border States east of the Mississippi that the "regular troops" were not forthcoming. Canby then appealed to Governor Gilpin, of Colorado, for help.

206. The Conquest of Arizona. — In December, 1861, General H. H. Sibley, with a force of 2,300 men from San

Antonio, Texas, relieved Colonel Baylor of command at Mesilla. His plan was (1) to take possession of the Arizona settlements south of the Gila and (2) to march northward for the capture of Fort Craig, Albuquerque, Santa Fé, and Fort Union.

In February, 1862, Captain Hunter and a hundred men set out for Arizona. The task was easy. The Union commanders at Forts Buchanan and Breckenridge had abandoned the country in order to unite with other Union



FORT UNION IN THE FIFTIES

forces at Fort Craig on the Rio Grande. A convention at Tucson had already declared Arizona a part of the Confederacy, and a Delegate to the Confederate Congress had been elected. Taking possession of Tucson, unopposed, Captain Hunter set out for Fort Yuma. The approach of the "California Column" spoiled this enterprise, and Hunter hastened back to the Rio Grande.

207. The Confederate Advance on Santa Fé. — In the meantime (February, 1862) General Sibley with an army of

2,600 men marched northward for the major operation in New Mexico. At Valverde, seven miles north of Fort Craig, he met General Canby with about 3,800 men from the Fort. In a desperate all-day battle the Confederates were victorious. "No part of the Federal army stopped until safely within the walls of Fort Craig."

Sibley left his wounded at Socorro, captured Albuquerque without resistance, and marched on Santa Fé. Panic set in at the capital. The Territorial officials fled, and the garrison from Fort Marcy started across the mountains with a caravan of a hundred and twenty wagons loaded with military supplies headed toward Fort Union. The Confederates entered the city unopposed and prepared for the final drive — the capture of Fort Union on the Mora River.

208. The Battle of Apache Canyon, or Glorieta. — Union fortunes in the Territory were now at their lowest ebb. Fort Fillmore, Fort Craig, Albuquerque, and Santa Fé, one after another, had fallen before the victorious Southerners. What would be the fate of Fort Union? Its commander mined all parts of it so that if he were forced to surrender, he might blow it up before leaving.

At this critical time the arrival of the Colorado Volunteers asked for by Colonel Canby the preceding fall (sec. 205) turned the balance in favor of the Union. On the way toward Santa Fé they met the Confederates in Apache Canyon, near Glorieta, fifteen miles southeast of the capital. After two days of sharp fighting (March 27, 28) the outnumbered Union forces were driven back to Pigeon's Ranch and finally to Kozlosky's Ranch, and the Confederates remained in control of the canyon. But the decisive movement had been made unobserved, by Major

Chivington, of the Colorado Volunteers, with a detachment of four hundred men guided over a difficult mountain trail by Colonel Manuel Chaves, of the New Mexico Volunteers. They fell upon the Confederate supply train in the rear, drove off the guard, "spiked the cannon, bayoneted eleven hundred mules, burned sixty-four wagons, and destroyed all the Confederate supplies." The Confederates fell back on Santa Fé, and the Federals returned to Fort Union.

209. The Confederate Retreat.--With the failure of the advance on Fort Union, Confederate plans were ruined. Sibley soon evacuated Santa Fé and began his retreat down the Rio Grande. Major Paul, from Fort Union, immediately occupied the capital and followed in hot pursuit. Colonel Canby left Fort Craig in command of Colonel Kit Carson and hastened northward.

At Albuquerque he met Sibley's men and exchanged shots with them for most of one day, but in attempting to unite with Major Paul, allowed Sibley to escape down the river. On April 15 the united forces of Canby and Paul overtook the Confederates at Peralta and engaged them for another day. That night the Southerners crossed to the west side of the river. For two days the two armies moved slowly down op-



CIVIL WAR CANNON BURIED AT ALBUQUERQUE BY THE CONFEDERATES

posite sides of the river in sight of each other. But on the morning of the eighteenth the Confederates were gone. They had packed seven days' rations on mules, abandoned their wagons, burned such supplies as could not be carried, and gone by trail across the mountains to the west of Fort Craig. The Union forces crossed the river near Socorro, marched to Fort Craig, and gave up the pursuit. Early in May Sibley appeared in the Mesilla Valley and soon moved on to Fort Bliss. His New Mexico campaign had cost him nearly half his original force and had profited him nothing. All danger from the Confederacy was passed.

When the "California Column" came in from the west in July and August, 1862, the Civil War in New Mexico was over, and the last of the Confederates were gone. Its commander, General Carleton, became commander of the Department of New Mexico; Colonel Canby went east; and the Coloradoans returned home. The Californians did garrison duty and participated in numerous Indian campaigns.

210. Peonage Abolished. — The one abuse in New Mexican life that should have been most certainly swept away by the Civil War was the system of peonage, or bondage for debt (sec. 149). But the Emancipation Proclamation and the Thirteenth Amendment applied only to Negroes. The peon received no relief until Congress abolished the whole system in 1867.

Whipping as a punishment for stealing stock still continued. "Not less than thirty lashes, well laid on his bare back, nor more than sixty, at the discretion of the court" was the punishment prescribed. The custom was defended on the ground that the opportunities for stealing

were so great and jails so few as to demand some severe and speedy method of dealing with criminals.

211. Organization of the Territory of Arizona. — The Civil War period saw New Mexico's territory reduced by half. The Territory of Colorado, organized in 1861, took in the northeastern section lying north of the thirty-seventh parallel. Then in 1863 the western half was organized into the Territory of Arizona. The few settle-



AMERICAN INDIAN FIGHTERS ON THE DESERT QUENCHING THEIR
THIRST WITH BLOOD FROM THEIR OWN VEINS

ments out there in the Gadsden Purchase south of the Gila had already in 1859-1860 and again at the opening of the Civil War tried to join the Mesilla Valley and organize the Territory of Arizona. The military posts had been abandoned; the Indians had again become masters of the country; and the settlers had fled for their lives. Tucson, Yuma, a few ranches, and an occasional miner were all there was of civilization left. To this situation the government at Washington could not be indifferent; for the region south of the Gila was an important link in the shortest

overland route from the Missouri River to the Pacific coast and was the only route from the Southwest to the coast. In 1863, therefore, Congress cut off all of New Mexico west of the one hundred and ninth meridian and organized it into the Territory of Arizona. A new government in that region would hold the Indians in check.

II SETTLING THE INDIAN PROBLEM



GERONIMO

212. The Indian Menace. — When the Civil War closed, the Indian problem in New Mexico was pressing for solution. Most of the military posts had been abandoned in 1861 in order to concentrate their forces at such strategic points as Fort Craig, Santa Fé, and Fort Union, leaving practically the whole Territory as

completely exposed to Indian attack as it had been at any time during the preceding century. The Indians, quick to see their opportunity, plundered the settlements, murdered the inhabitants, and drove off stock as in the good old days before the coming of the Americans. But the savage storm

lasted only long enough to drive home the lesson that New Mexico must be freed from this perpetual menace.

213. Rounding up the Red Men. — The time was fortunate. The departure of the Confederates left General Carlton with several thousand troops ready for action and in no mood to be lenient with the ancient enemy. Now for the first time an Indian policy was developed. The wild tribes from all parts of the Territory were to be removed from their ancient haunts and rounded up under guard at the Bosque Redondo (bōs' kâ rā-thōn'dō), on the Pecos River near Fort Sumner. There, disarmed and convinced of their powerlessness, they might be taught how to farm and become partially self-supporting—the first lesson in civilized life.



KIT CARSON MONUMENT, SANTA FÉ

Colonel Kit Carson, the great pathfinder and scout, who had commanded the first regiment of New Mexico volunteers at the battle of Valverde, was sent against the Mescalero (mēs-kā-lā'rō) Apaches to fight it out to a finish

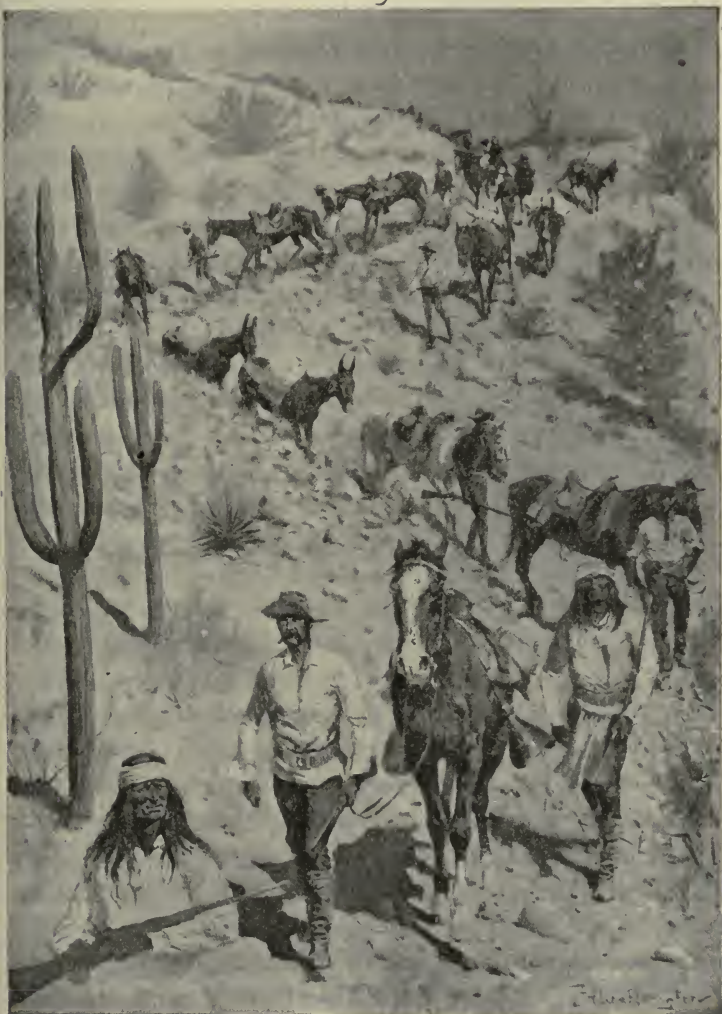
and bring them in. Early in 1863 he had four hundred Mescaleros at the Bosque Redondo, and by the end of the year he had brought in two hundred Navajos also. Before the close of the following year (1864) he had marched straight into the Navajo stronghold in Chelly (chā-yē') Canyon, defeated the Navajos, and had seven thousand of them over on the Pecos River chafing at the confinement of their new quarters.

Something worth while had been accomplished: the Navajos had been beaten and *knew it*. Of all the wild tribes, they had been the most unsatisfactory to deal with. Numbering hardly more than ten thousand, split up into small bands leading a scattered nomadic life in order to find pasture for their herds, they were less subject to the influence of their chiefs than any of the other Indians. Treaty making had become an art with them, to be practiced when it would save them from punishment; and treaty breaking, a regular procedure when it was safe. For more years than any living New Mexican could count they had been needing a sound whipping. Now they had it. New Mexico could breathe easier.

214. Difficulties at the Bosque Redondo. — But the Bosque Redondo colonizing scheme did not work. The Indians were hostile among themselves, hated the whites and were hated by them, constantly chafed under captivity in a new and strange region. They were lazy, indolent, and sullen. Disease spread among them; and starvation was ahead unless the government fed them.

The Mescaleros fled in 1866 and went on the warpath. Then came a change of policy. A peace commission from Washington came out in 1868 and signed a treaty allowing the Navajos to return to a reservation in their own country,

northwestern New Mexico and northeastern Arizona. Fort Sumner was abandoned. The Navajos had not been



ON THE TRAIL OF GERONIMO
From *Personal Recollections of General Miles*

civilized, but the fear of the white man's power had been put in his heart. His militant spirit was broken, and he has given no more serious trouble.

215. The Apaches on the Warpath. — The Mescalero Apaches who ran away from the Bosque in 1866 were placed on a reservation near Fort Stanton in 1873-1874. The Apaches were still as warlike and fond of plunder as they had been for centuries, and after 1870 were armed



GENERAL GEORGE H. CROOK

with late model repeating rifles and well supplied with ammunition secured through unscrupulous white traders.

After the removal of the Navajos to their reservation in the northwest and the Mescaleros and other Apaches to theirs at Fort Stanton there was a temporary lull in Indian troubles. In the seventies there was comparative peace. Events proved, however, that it was only the calm before the gathering storm. In 1879 the storm broke. Chief Victorio and his band of Apache braves left the Mescalero Reservation and went on the warpath. For the next four years they spread terror throughout southern New Mexico and Arizona, until Victorio was killed in 1883.

216. Gerónimo's Raids. — Two years later Gerónimo (hā-rō'nē-mō), one of the greatest chiefs of the Apache nation, fled from the San Carlos Reservation in Arizona and took up the bloody work of Victorio, terrorizing an even wider region extending into northern Mexico. Operating at the head of a band of mountain outlaws in a country

where the Apaches knew every trail, water hole, and mountain pass, he succeeded in beating off, and keeping out of the way of, American and Mexican forces many times larger than his own.

In the spring of 1886 General George H. Crook, worn-out with hard campaigning against Victorio and Gerónimo and humiliated by the escape of Gerónimo after capture, asked to be relieved from command. Then the Apache troubles entered their final stage. President Cleveland gave the command to General Nelson A. Miles with orders to capture Gerónimo and round up every Apache in the Southwest on reservations. By the end of the summer the braves were captured, and Gerónimo, the last great Apache chief and warrior, gave up the fight. The blood-thirsty Apaches, who had fought the Spaniards for three hundred years and had not been subdued, tried the mettle of our army as no others ever did.

The government's policy of placing the wild tribes on reservations and keeping them there is civilizing them very slowly, but experience shows that it is the only wise course.

217. The Pueblos since 1847. — The Pueblos have not been troublesome during the American period. They struck one murderous blow at the power of the newcomers in the Taos Rebellion of 1847 (secs. 171-175). The outcome was clear and unmistakable. The Pueblos saw the point. Since then they have given no trouble.

They were citizens of the Mexican Republic and became citizens of the United States under the terms of the treaty of Guadalupe Hidalgo in 1848. Both their citizenship and their tribal lands were confirmed by a decision of the Territorial Supreme Court in 1869, which has been followed in many succeeding decisions.

III. INTERNAL DISORDER

218. The Spirit of Lawlessness. — In the seventies the railroads began to approach from three directions: the Santa Fé from the Missouri River to the northeast, the Texas and Pacific line from the southeast, and the Southern Pacific from the Pacific coast through Arizona. New Mexico became one of the last resorts for the desperate characters of the southwestern frontier. After the Santa Fé Railroad reached Trinidad, Colorado, in 1876, Colfax County became a favorite retreat for the criminal elements drifting in from that region. Doña Ana County in the southwest received her full share of the same type of population.

But Colfax and Doña Ana had no monopoly of the "bad men." Lincoln County, which in those days included all southeastern New Mexico, could easily carry off the honors in this respect. There was no railroad to bring desperadoes into this region, but it had all the characteristics of a border province where two civilizations meet and clash. The old settlements were in the central mountain region; and of the county's whole population (about 2,000) nearly all were native-born New Mexicans. But a new element was beginning to drift into the lowlands of the Pecos Valley from the south and east. It was composed of restless cattlemen from western Texas, accompanied by the usual quota of "hard characters."

219. The "Lincoln County War." — Between these newcomers of the plains and the old time cattlemen in the region around Lincoln a bloody feud soon developed; and, as Emerson Hough has said, "southeastern New Mexico, for twenty years after the Civil War, was without doubt, as dangerous a country as ever lay out of doors."

In that environment and out of that feud grew the bloody disorders known as the "Lincoln County War" (1876-1878). Both factions had large beef contracts with the Mescalero Indian Agency; both were furnishing beef to the United States military forces at Fort Stanton; each accused the other of stealing cattle; and there is little reason to believe that either was innocent. Stealing cattle



THE OLD CHISUM RANCH NEAR ROSWELL

in that broad, unsettled region with a near-by market was easier, quicker, and more profitable than going to the trouble of raising them. Yet killing was the punishment for cattle stealing; and with a crude desperado like Billy the Kid (William H. Bonney) to promote this outbreak of crime, the whole region was kept in terror for more than two years. Territorial officials took no effective measures to stop it; and some were even suspected of being interested parties. Finally in 1878 General Lew Wallace, the famous

author who wrote part of *Ben Hur* in the Palace of the Governors at Santa Fé, was appointed governor for the specific purpose of putting an end to the disturbances in Lincoln County and restoring order in the Territory.

The most effective single blow, however, was struck by Pat F. Garrett, sheriff of Lincoln County, when he shot and killed Billy the Kid at Fort Sumner in July, 1878. The death of that twenty-one-year-old desperado, whose murders already numbered nine, and who was so proud of them that he claimed twenty-one, was the beginning of the end of the carnival of crime in which he had played so bloody a part.

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R. E. TWITCHELL, *The Leading Facts of New Mexican History*, II, 337-420. "The Confederate Invasion of New Mexico, 1861-1862" (Anonymous), in *Old Santa Fé*, III (Jan. 1916), 5-43.

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SPECIAL TOPICS

1. In sections of the State where there were battles or other important Civil War operations the class should work up together that local history.

2. Similar local studies may be made in regions near Indian reservations or the old homes of Indian tribes.

QUESTIONS AND SUGGESTIONS

1. Why was there no great enthusiasm in New Mexico over the outbreak of the Civil War? Why did Governor Connelly speak of the Confederates as *Texans*?

2. How did the plans of the Confederacy affect New Mexico?

3. Draw a map of the Confederate "Territory of Arizona," locating Mesilla, Fort Fillmore, and Tuscón.

4. What preparations were the Union forces making for defense? Why did they abandon the forts in the Gila country?

5. Locate Fort Craig, Valverde, Apache Canyon, and Fort Union. Why did the Confederate advance on Fort Union fail?
6. What was accomplished by (a) the Colorado Volunteers? (b) the California Column?
7. When was peonage abolished? What defense was offered for punishment by whipping? Was the custom justified?
8. Why was the Territory of Arizona organized? Draw a map showing how it reduced the size of New Mexico.
9. What change did the Civil War make in the Indian problem? Why was this a good time for settling it?
10. What was the new Indian policy? How did it work? What were the chief troubles at the Bosque Redondo?
11. Who were Victorio and Geronimo? Why were the Apaches hard to conquer?
12. Why was disorder and crime prevalent in the late seventies?
13. What was the "Lincoln County War"? Who was Billy the Kid? Pat F. Garrett?

CHAPTER XIII

RAILROADS AND ECONOMIC DEVELOPMENT

220. The Belated Southwest. — The coming of the Civil War in 1861 ruined the bright hope of having the first railroad to the Pacific come through New Mexico and the Southwest — one of the greatest calamities in the State's history. Such a road would have brought population, capital, and rapid development. But when the first trans-continental road went by the Great Salt Lake (1869), it drew off the more progressive elements of population in that direction and left the Southwest as one of the last great regions without railroad communication with the outside world. Into it came enough "bad men" to stage such bloody disorders as the Lincoln County War (sec. 219) and to give the Territory a long start in corrupt politics and a bad name as a backward region. As a result its development has been retarded by a generation, and ignorant Easterners still ask if people in New Mexico are much like the people in the United States.

221. Travel and Communication. — The increasing number of substantial wagons and carriages after the American Occupation greatly improved the means of travel, though there was but little improvement in roads. Numerous requests of the legislature to the Federal government for appropriations to improve the road from the Missouri River to Santa Fé and on through to California, and the southern mail route from Santa Fé to El Paso, brought no

response. The road over the mountains from Santa Fé to Taos, completed in 1873 with the aid of an appropriation of \$25,000 from Congress, was the first important piece of road building.

Over the Trail to the east it took a month for letters to reach the Atlantic seaboard. In the fifties another stage line went south from Santa Fé to connect at Mesilla with the San Antonio and San Diego Mail and the Butterfield Overland Stage from St. Louis to San Francisco (sec. 199).

222. The Coming of the Telegraph. — The completion of the military telegraph line from Fort Leavenworth to Santa Fé, July 8, 1869, was an epoch-making event. By 1875 it was extended south to Mesilla, then west to Tucson a year later; and when it reached San Diego in 1877, New Mexico had telegraphic communication with both sides of the continent.

223. Last Years of the Overland Freighting Business. — American troops had come in considerable numbers. With them came political and military officials, contractors, health seekers, adventurers, and a few home seekers. For all of them every kind of manufactured article had to be brought from the States. Arms, ammunition, and military supplies came from Fort Leavenworth. Dry goods, groceries, hardware, drugs, and luxuries in greater variety than in the old days of the Trail, to satisfy the demand of the New Mexicans and the small but growing element of Americans, whose wants were harder to satisfy — all came across the plains in wagons drawn by mules and oxen. From the Civil War until the coming of the Santa Fé Railroad was the greatest epoch of the overland freighting business. Three thousand traders' wagons came across the plains in 1865, and a year later the number had risen to

about five thousand, besides those carrying government freight. The value of the cargo each year was counted by the millions.

Still the trade did not grow in size so rapidly as we might expect; for after the Mexican War the southern caravan no longer went to Chihuahua to supply the trade of northern Mexico (sec. 127), and the overland trade to California was gradually drawn to the more northern route as the



CATTLE SEEKING WATER

two ends of the Union Pacific Railroad approached each other from the Mississippi Valley and the Pacific coast.

I. THE COMING OF THE RAILROADS

224. The Santa Fé. — After the Civil War the eastern end of the stage line moved slowly westward for more than ten years as the Santa Fé Railroad crossed the prairies toward the Arkansas River and then crept slowly up that

stream toward the mountains of eastern Colorado. By the end of November, 1878, construction reached the top of the Ratón Pass. The first passenger train came into New Mexico, February 13, 1879. Passing Las Vegas in July, the road reached Santa Fé, February 9, 1880, and Albuquerque, April 22.



CROSSING RATON MOUNTAINS BY THE SWITCH-BACK BEFORE
DIGGING THE TUNNEL

225. Transcontinental Lines. — When the line down the Rio Grande turned west to Deming and met the Southern Pacific, which was building in from the Pacific coast, March 10, 1881, all-rail communication was established across the

continent at the south end of the Rocky Mountains, running the whole length of New Mexico from northeast to southwest. The line down the Rio Grande reached El Paso and the coast line went west from Albuquerque to the Arizona line that same year; while the Denver and Rio Grande had already built into the Territory from the north the same year that the Santa Fé reached Santa Fé and Albuquerque (1880).



HERD OF BUFFALO STOPPING A TRAIN

226. The Railways Follow the Trails. — The closeness with which the railroad followed the Santa Fé Trail from the Missouri River to the capital of New Mexico is noteworthy. So well had the Indian pathfinders and the New Mexican and American plainsmen, mountaineers, and traders done the work of trail making that when the trained engineer came along he had only to smooth out curves, do away with detours, and cut away the side of a mountain

here and there in order to bring the great railway over the old Trail. In the whole distance across the rolling prairies of Kansas to the Arkansas, up that stream to Bent's Fort (near La Junta), then over the Ratón Pass, and on through Apache Canyon to Santa Fé the railroad is seldom out of sight of the Trail. The Southern Pacific coming east followed first the Gila Trail, then Cooke's wagon road, and dropped south to find its way through the mountains at the El Paso water gap—the line of the Butterfield Overland Stage and the San Antonio and San Diego Mail (sec. 199).

227. The Beginning of a New Era.—No other event has so completely transformed the whole face of New Mexican life as did the coming of the railroads. The Territory was now in touch with the great outside world. A great army of pushing, energetic Americans from all parts of the United States, and particularly from the frontier regions of the West, followed the railroad, established large ranches, started new enterprises, opened new mines, and built new towns. Thousands of home seekers, health seekers, and business men, scores of lawyers, and hordes of speculators followed. The value of land increased, new counties were created, and new courthouses built. Progress and change were in the air.

228. New Problems.—The railroads had ushered in a new era of progress and development, but they had brought with them new problems to disturb the Territory for years to come. From California, Colorado, Texas, and the States to the east, hordes of gamblers, saloon keepers, thieves, highwaymen, and desperate characters of all kinds flocked in. The towns at the end of the railroad line as it moved on from Ratón to Las Vegas, Lamy, Albuquerque, and

southward were, one after another, the chief centers of operations of this criminal element; and when the road was completed, these characters continued to infest the towns and some of the remote country districts. Every session of court was now burdened with criminal trials; jails were crowded; and it was no accident that the penitentiary was established in 1882. It came to serve a real need.

This reign of crime gradually passed as the Territorial government became accustomed to dealing with it. But the railroads brought still other problems of a more permanent nature. Facilities for transportation had suddenly jumped from the prairie trail to the modern railroad without the Territory having any system of highways. It looked like extreme good fortune; but none of these railways was built for the sake of New Mexico. They were part of a great policy of connecting the Mississippi Valley with the Pacific coast; and New Mexico happened to be on the way. Their chief business was one of through freight and long hauls. The few hundred tons of eastern goods that they brought to New Mexico and the annual wool and cattle crop that they hauled east were insignificant parts of their business. Besides, there was no competition by water or other means of transportation, and the roads were not slow to see that they had a complete monopoly along practically every mile of their lines and could charge all that the traffic would bear, grant lower rates to favored shippers, and discriminate against some towns and favor others.

II. THE LIVE-STOCK INDUSTRY

229. The First Source of Wealth. — Stock raising was the great historic industry from which the Spanish colonists had regularly produced whatever of wealth they had en-

joyed. In days when there were no railroads or other means of transportation, sheep and "longhorns" had the advantage of being able to transport themselves to market, first to Chihuahua and elsewhere in northern Mexico, and later over the cattle trails northeastward to Newton, Fort Dodge, and other points as the railroads came west.



RAMBOUILLETS ON THE RANGE

230. Sheep Raising. — Sheep raising had been the principal branch of the live-stock business and was the chief source of New Mexican wealth in the first half of the nineteenth century. Sheep numbered 375,000 in 1850 as against only 33,000 cattle; and that proportion continued with but little change for the next thirty years, though the numbers multiplied many fold. All the rich men in the country at the time of the American Occupation, except a few merchants, were the "sheep kings" — men whose

great herds of sheep enabled them to enjoy such luxuries as were obtainable and to send their sons to St. Louis or elsewhere for an education.

With markets far away and transportation lacking, the production of wool and mutton was no get-rich-quick enterprise to tempt the speculator looking for sudden wealth, but it was a safe business for the man who was content with slow but steady gains. The range was free, and herding was not expensive.



JOHN S. CHISUM
"CATTLE KING"

231. The Cattle Boom.—Down to 1880 the absence of a market had made any great boom in the live-stock industry impossible. Cattle raising, like the sheep business, had been carried on by private individuals, with the open government lands as free range. There was an occasional "cattle king," like John S. Chisum, who moved into the Pecos Valley from Texas in the beginning of the seventies and soon had herds numbering sixty to seventy-five

thousand, some of which he marketed at Fort Dodge and other points on the westward-moving railroads.

Such men pointed the way and fired the imagination of the newcomers just at the time when the railroad was coming in to create new conditions and open an eastern market. An era of wild speculation in the cattle business followed. Capital from the eastern States and even from Europe was induced to enter the field. New cattle companies were organized to buy up the land along the streams

and stock it with herds to be increased from year to year. The eighties was the first age of "cattle kings." Soon the ranges were overstocked, and dry seasons brought heavy losses with resulting financial disaster to the companies. The last of the eighties was a period of depression in the whole live-stock industry, sheep as well as cattle.

232. Recent Development. — A succession of good seasons in the early nineties, however, brought new prosperity on the ranges and by 1894 the wool crop amounted to sixteen million pounds. The amount has not greatly increased since that time, but better care and the introduction of better breeds of sheep has greatly increased the amount of wool produced per head, and the rising price of wool has multiplied the annual value of the crop many fold. Though sheep raising is carried on all over the State, Valencia, Socorro, Union, and Chaves are the leading countries.

In the cattle business similar changes have been taking place. The movement for the introduction of better stock and the grading up of herds has been general; and since about 1900 the "longhorn" is becoming a mere memory. His place has been taken by the Hereford and the Shorthorn. Both the quality and the quantity of beef per head has been increased and the price has risen, as in the case of sheep and wool. The cattle business, less general than sheep raising, has its two big centers in the Pecos Valley in the southeast and in Grant, Catron, and Socorro counties in the southwest.

A great change is coming over the methods employed in the stock business. As increasing settlement has gradually restricted the ranges, the old cheap, but wasteful, open range is rapidly giving way to the wire fence around

land owned or leased; and the production of forage crops for carrying stock over dry seasons and severe winters is both saving the stockman from many heavy losses and increasing the numbers that can be grown on a given area of land.

233. Dairying. — At the same time a new branch of the live-stock business is coming into prominence. Dairying as a commercial enterprise, except around the towns and cities, has only made its appearance since about 1910; but it is already established and is rapidly increasing in importance. The principal dairying regions are in the northeastern part of the State, particularly Union County, and in the Mesilla Valley, below the Elephant Butte Dam.

III. MINING AND MANUFACTURING

234. Mining in Spanish and Mexican Times. — Much has been written about ancient mining operations in New Mexico. But we have evidence of very little mining during Spanish and Mexican times. The Santa Rita copper mine and the mica mines near Santa Fé and Mora (sec. 106) were two important exceptions. One other ancient enterprise should be added. At Los Cerrillos, near Santa Fé, the Pueblo Indians were working the turquoise mines long before the Spaniards came to the country. With rude stone sledges, without the aid of iron, steel, or explosives, they broke away huge masses of rock in search of the fascinating ornament which, to their minds, possessed some vague supernatural power. These are the most important turquoise mines in the world and have been worked to some extent by the Spaniards ever since they came to the country.

235. Mining in the Early American Period. — When the American army came to New Mexico in 1846, gold mining at the “New Placers” (discovered in 1826) south of Santa Fé was being carried on as extensively as the lack of machinery and shortage of water would permit. During the winter season, when water was more plentiful, many hundreds of people would gather at the “diggings.” There was no record, however, of anybody having become rich at it, though many had sunk everything they had in the venture. Through the fifties and sixties there was much prospecting, but very little actual development. Capital was still scarce; transportation, except over the Trail, totally lacking; and the Indians, a constant menace.



THE “ROCKER” IN A MINING CAMP

236. The First Mining Boom. — When the railroad came, in 1879, it brought prospectors and capitalists, and furnished the transportation facilities necessary for bringing in modern mining machinery and shipping out the products. In 1879–1880 the first great mining boom began. The early eighties saw great prosperity and rapid development. In 1883 the mines were turning out \$4,000,000 in gold and silver alone, and by 1886, \$6,000,000.

Silver was so much the largest item in this new stream of mineral wealth that when the "free-silver" agitation began in the West, New Mexico took up the cause; and in January, 1891, the legislature passed a resolution, drawn by Governor Prince, urging Congress to provide for the "free and unlimited coinage of silver . . . upon an equality with gold," because the gold standard, "resulting in the hoarding of the nation's wealth in the financial centers, and placing the country under tribute to Wall Street, is rapidly paralyzing the industries of this Territory, causing stagnation in all business enterprises, and can not but result disastrously to our every interest . . ."

237. Modern Mining. — But the disasters did not follow. Instead, the early nineties proved to be a period of great prosperity, particularly in the mining industry.

The State is rich in minerals of almost every kind. In coal it is perhaps the richest in the Southwest. While California, Arizona, Texas, and Mexico are without any known deposits of coking coal, New Mexico has it in immense quantities. The present chief centers of coal production are in Colfax and McKinley counties; but there are large deposits in Lincoln, Valencia, and Socorro counties, and the San Juan Basin, with over thirteen thousand square miles of coal land practically untouched, is likely to become the greatest coal field in the West when proper railroad facilities are provided for opening it up.

There are also immense beds of iron ore in Lincoln, Sierra, and Socorro counties; and in the latter county, at least, they lie side by side with great beds of coking coal. With transportation facilities increasing and business conditions becoming more stable, the day is coming nearer when New Mexico will be the center of a great iron industry.



MODERN STEAM SHOVEL OPERATIONS, SANTA RITA COPPER MINES

The leading copper-producing region is in Grant and Hidalgo counties, though there are important fields in Otero, Doña Ana, Santa Fé, Socorro, Catron, and Valencia

counties. Colfax (the Elizabethtown district) leads in the production of gold, followed by Grant and Socorro. The Mogollón district in Catron County is the center of silver production, with Lordsburg in Hidalgo County second. Socorro County (the Kelly district) leads in zinc production, with other important fields in Grant, Luna, and Santa Fé.

238. Manufacturing. — Though the capital invested in manufacturing in the State has multiplied many times over in recent years, the whole industry is still in its infancy. The shops of the various railroad companies take first rank; and after them come lumber, printing, and milling. In the White Mountains, the Zuñi Mountains, and elsewhere in the northwest are large forests of available timber for the manufacture of lumber.

IV. DEVELOPMENT OF AGRICULTURE

239. Historic Importance of Agriculture. — Agriculture, particularly small-scale intensive gardening, is New Mexico's most ancient industry. When the Spaniards first came to the country, the Pueblo Indians were producing most of their living from their cornfields irrigated from flowing streams or primitive reservoirs, and from gardens frequently irrigated with water carried by human hands (secs. 7, 8). Through Spanish and Mexican times agriculture continued to be one of the chief means of producing a living, though never a large-scale industry of commercial importance. The beginning of the American period brought no great change. Sheep and cattle raising furnished an easier method of acquiring a steady income in the open country; commerce and mining furnished better ventures for those who had a taste for speculative undertakings.

After the coming of the railroads more and more of the newcomers were of the settler class who had come to build homes. Many of them had been farmers in other States. Here were all the conditions for the building up of a large farming industry — a rapidly increasing population to be fed, the resulting high prices for farm products, and an



APPLE ORCHARD IN BLOOM, PECOS VALLEY

increasing element of farmers. By the end of the century agriculture was entering on its first period of large-scale production.

240. Development of the Pecos Valley. — All the southeastern part of the State, embraced in Lincoln County until the Pecos Valley country was organized into the counties of Eddy and Chaves in 1889, was a great grazing

country, with no agricultural possibilities because of the absence of a market until the nineties. The census of 1880 showed that out of a total population of 2,500 in all this vast region (Lincoln County), 2,300 were native-born New Mexicans. Immigration into this region had hardly begun, and consisted of the few cattlemen who were drifting up the Pecos River, attracted by the fine lands of the valley.

Roswell was a village of a few hundred inhabitants, freighting all their supplies overland from Las Vegas. Carlsbad (then called Eddy), a little nearer to the Texas and Pacific Railroad at Pecos, Texas, got its supplies from that point. The possibilities of the region, however, were so great that capitalists became interested, and in 1889 the Pecos Valley and Northeastern Railroad began building north from Pecos, Texas, toward the New Mexico line. The completion of this road to Carlsbad (1891) and Roswell (1894) gave the valley easy communication to the southeast and brought many settlers especially from Texas. Then in 1898-1899 the road was built from Roswell to Amarillo, opening railway communication with the Middle West.

The Pecos Valley, therefore, isolated from the rest of the Territory and enjoying easy railroad connection with the States to the east, drew its population from those States and developed a life of its own quite separate and apart from the rest of New Mexico until the beginning of the present century (sec. 249).

241. Artesian Wells and Irrigation. — In the nineties the railroad brought population to the valley, and its agricultural development began. The first irrigation project along the Pecos River near Carlsbad, in what is now

Eddy County, had been begun in 1888 by Charles W. Eddy and Pat F. Garrett; and with the discovery of great quantities of artesian water at Roswell in 1890, the agricultural prospects of the Pecos Valley grew bright. Such thriving places as Carlsbad, Artesia, Hagerman, Roswell,



FLOWING ARTESIAN WELL IN THE PECOS VALLEY

Portales, and Clovis bear abundant evidence of the progress of the agricultural interests in the valley and of the stock-raising industry on the near-by plains and mountains.

242. The San Juan Basin. — Far away in the opposite corner of the State another new and remote agricultural region was growing up without any railroad connection toward the capital. The San Juan Basin had been well known to the Spaniards in the eighteenth century, and was

on the Spanish Trail regularly followed by both New Mexicans and Americans throughout the middle period of the nineteenth; but it was one of those regions into which Spanish settlement had never gone. Now in the late sixties and the seventies the sheep and cattle men began to move in and take possession of that fine grazing country. Many of them had fled from Lincoln and Colfax counties as law and order began to gain control in those regions. The San Juan country, into which courts and courthouses and sheriffs had not yet gone, offered a new field for their wild and lawless operations. Cattle "rustling" became a regular means of livelihood to many of the newcomers — except when it led to the ending of life.

243. San Juan County. — Even in that remote region, however, the "bad men" were not to be left long in control. In 1887 the legislature organized the San Juan Basin into San Juan County. Then came the law, the western sheriff, and many pioneer settlers. The old days quickly passed. The building of the Denver and Rio Grande Railroad from Durango to Farmington in 1905 gave easy communication with the outside world.

Fine agricultural land and the largest water supply in the State available for irrigation are the basic resources out of which San Juan is developing a great farming industry. It is already the State's largest fruit-producing region. Grain and stock are the other important crops.

244. Development of the East Side. — Like the Pecos Valley and the San Juan country, other new agricultural regions have grown up rapidly along the east side of the State. Lea, Roosevelt, Curry, Quay, Harding, and Union are all new counties with large and growing agricultural

interests. This whole eastern tier of counties that are now producing many millions in crops each year were roamed over by sheep and cattle and hardly known to any other industry prior to 1900.

245. Agriculture the State's Chief Industry. — At the same time the older sections of the State have been developing and expanding their farming areas. More land has been brought under cultivation by the construction of larger diversion dams and better systems of ditches. Sections on the smaller streams formerly unused have been occupied by new settlers and developed in the same way. But this process of irrigation from flowing streams left many fertile valleys without water for agricultural development. To meet this need both the government and private corporations have begun the building of huge dams and reservoirs for holding the flood waters of the rainy seasons for use in dry periods and for raising the water level so that wider regions may be irrigated.

246. Elephant Butte Dam. — Three of these irrigation projects are under the control of the United States Reclamation Service: The Hondo Project near Roswell, the Carlsbad Project, and the Elephant Butte Project.

The Elephant Butte Dam (officially the "Wilson Dam") across the Rio Grande in Sierra County is of sufficient magnitude to make it a matter of more than local interest. The original plan for building at this point, in the nineties, was a private enterprise promoted by Dr. Nathan E. Boyd, of Las Cruces, and financed largely by English capital; but it was effectively blocked by the political influence of a syndicate of real estate speculators at El Paso, Texas, and Juárez, Mexico. Their daring scheme for an "international dam" at El Paso would have robbed

southern New Mexico of its biggest water rights. The whole scheme was built on the flimsy pretense that the Elephant Butte project would interfere with the "navigation" of the Rio Grande. Absurd as it was, it caused enough trouble to wreck the original enterprise.



THE ELEPHANT BUTTE DAM

Then, with the camouflage cleared away and no large number of vessels "navigating" the shifting quicksands of the Rio Grande, the United States Department of the Interior built (1910-1916), at a cost of about \$10,000,000, a great reënforced concrete dam more than two hundred feet high across the Rio Grande from hill to hill, strong enough to hold back a lake of water forty-five miles long and large enough to store all the waters of the river for a year. This lake has a capacity of 2,600,000 acre-feet of

water — double the capacity of the Roosevelt Dam in Arizona. Below it are the broad Rincón, Mesilla, and El Paso valleys with nearly two hundred thousand acres of land to be brought under irrigation.

247. Settling the Land Question. — In 1854 Congress extended American land laws to the Territory, providing a



HARVEST TIME IN THE PECOS VALLEY

free homestead of a hundred and sixty acres and setting aside two sections (16 and 36) in each township for schools. The office of surveyor general was created at the same time.

In the old settled regions much of the best land had been reduced to private ownership under Spanish and Mexican grants or by constant occupation for generations back. The government undertook to investigate the titles to all these lands. Some holders refused to bring their papers into court; others did not have the money to pay the fees; and all regarded the process as needless interference in their private affairs. Consequently many of

the grants remained unconfirmed until after the coming of the railroads. Then homesteaders began to "take up" and "hold down" their claims in complete disregard of the old grants.

Many of the grants were genuine; others were of doubtful origin and of still more doubtful size and boundaries; while still others rested on out-and-out forgery and fraud. When a "white rock" or a "red hill" was an important boundary mark, it was always possible to find such an object a few miles farther on. One judge wittily remarked that in this fine climate, "not only does vegetation thrive and grow to enormous size by irrigation, but that land grants themselves grow immensely — without irrigation."

248. The Court of Private Land Claims. — To meet this situation in New Mexico and a similar one in other States within the territory acquired from Mexico in 1848 and 1853, Congress created the United States Court of Private Land Claims (1891), composed of five distinguished judges from different sections of the country, and provided with a large corps of translators, attorneys, and experts in Spanish and Mexican land law and government. When it finished its work and went out of existence in 1904, it had confirmed the title to almost two million acres of grant lands and had rejected nearly thirty-three million acres within the Territory, besides smaller amounts in Arizona, Colorado, and elsewhere.

249. Better Railroad Communication. — After the coming of the Santa Fé and the Southern Pacific (secs. 224, 225), railroad building in the Territory stood still for a decade, until the Pecos Valley and Northeastern (now part of the Santa Fé System) began to build from Pecos, Texas, in 1889, up the Pecos Valley, and out toward Amarillo,

Texas. Finally, near the end of the century, the Rock Island built in from the northeast; and in 1901 the El Paso and Northeastern (now the El Paso and Southwestern), which had been begun at El Paso in 1897, met the Rock Island at Santa Rosa and opened another through line.

So far the railroad lines tended to parallel each other in a general northeast and southwest direction, leaving each of these long regions isolated from the other. The first break in this isolation came in 1903 with the opening of the Santa Fé Central (now New Mexico Central) from the capital to Torrance, giving railroad communication between the central Rio Grande Valley and the new eastern region opened up by the Rock Island and the El Paso and Northeastern. Two years later (1905) the Dawson Railway was completed from Tucumcari to Dawson, and the El Paso and Southwestern, recently built into El Paso from Arizona, bought this line and the El Paso and Northeastern to Santa Rosa. Then in 1907 it bought the Rock Island road from Santa Rosa to Tucumcari, thus completing its line from its Dawson coal fields to its copper mines in southeastern Arizona.

Finally in 1909 the Santa Fé System completed the Belen Cut-Off from its main lines south of Albuquerque to Clovis on the Pecos Valley line, reaching another isolated region and bringing the Pecos Valley and east side more directly into the current of the Territory's political, social, and economic life just as statehood was coming.

GENERAL READINGS

H. H. BANCROFT, *History of Arizona and New Mexico*, 748-778.

L. B. PRINCE, *A Concise History of New Mexico*, 191-219.

R. E. TWITCHELL, *The Leading Facts of New Mexican History*, II, 280-606, III-V; a great store of scattered information.

SPECIAL TOPICS

The class should work up, on the coöperative plan, the development of its own locality. Material will be found in local publications, the Report of the United States Census, the New Mexico Blue Book, Reports of Governors and other State officials, and in Twitchell's *The Leading Facts of New Mexican History*, especially III and IV.

QUESTIONS AND SUGGESTIONS

1. Why was the failure to build the Southern Pacific Railroad in the sixties a great calamity to New Mexico?

2. What were the conditions of travel and communication prior to 1880? When did the telegraph reach New Mexico?

3. Why did the overland trade increase rapidly? Why did it not grow more rapidly?

4. Draw a map showing the railroads in New Mexico in 1881. Why did they follow the old trails?

5. What influence did the roads have? What new problems did they bring?

6. Why was stock raising the earliest industry of commercial importance? Why did the first cattle boom not come until after 1880? Who was John S. Chisum?

7. What important changes are taking place in the live-stock business? What are the principal dairying sections?

8. What do we know about mining in Spanish and Mexican times? In the early American period?

9. When was the first mining boom? Why? What influence did silver production have on political opinion in the Territory? Illustrate.

10. Draw a map showing the principal mining regions of the State. Different colors may be used to indicate different minerals.

11. What is the State's oldest industry? Why did it not become a large-scale industry as early as stock raising?

12. Why were the Pecos Valley and the San Juan Basin late in developing? Why have they grown rapidly in recent years? What are the chief industries of each?

13. Discuss the importance of irrigation in the State. Why was the discovery of artesian water at Roswell in 1890 a great event?

14. What government irrigation projects are there in the State? Give an account of the Elephant Butte Project.

15. What was the land question to be settled? How had titles to land been secured? Why was settlement more difficult in the nineties than it would have been soon after the American Occupation?

16. What was the United States Court of Private Land Claims?

17. Draw a railroad map of the State for the year 1901. Then add to it in a different color the Santa Fé Central, the Dawson Railway, and the Belen Cut-Off, and show the special importance of these roads built in 1903-1909.

CHAPTER XIV

EDUCATIONAL DEVELOPMENT SINCE 1850

250. Educational Conditions in 1850. — At the beginning of the American period educational conditions in New Mexico were at low ebb. Most of the missionaries were gone; and for many years the government had been shifting and unstable. Population was sparse, distances were great, good roads were unknown, savage Indians were roaming everywhere. In abject poverty the masses of the people were struggling for bare existence. Only the sons of the few wealthy families were educated; and even these favored individuals had been compelled to make the long overland journey to St. Louis or elsewhere in the United States or Mexico. As a rule, girls and women received no education at all.

In December, 1847, Governor Vigil reported that there was but one public school in the Territory and that there were no private schools or academies. The census of 1850 indicated that about seven-eighths of the adult population were illiterate. "In no part of the United States," said the legislature of 1853, "are the means of education so deficient, as in New Mexico." A year later (1854) they again urged; "The Territory is entirely without schools, except in the capital, in which there is one or two supported by private subscription."

I. PRIVATE SCHOOLS

251. Catholic Schools, 1850-1870. — In 1851, when Bishop John B. Lamy came to Santa Fé to take charge of the work of the Catholic Church in the Territory, he reported the churches in ruins and no schools at all, though it appears that by that time there were a few private schools.



ST. MICHAEL'S COLLEGE, SANTA FÉ

Reforms were badly needed; and Lamy had come as a reformer believing in education as the principal agency for getting results. The very year of his arrival (1851) he established a free English school in Santa Fé. The next year (1852) he brought in five Sisters of Loretto and began to establish convents and academies. The first of them was the Loretto Academy and Convent at Santa Fé, founded January 1, 1853. In 1859 he brought the first Christian Brothers and founded St. Michael's College

at Santa Fé. The founding of the Jesuit college at Las Vegas, 1877, was also the work of his hands.

By 1865, he was able to report that he had thirty-seven earnest priests and a half dozen other workers, had built forty-five new churches, repaired eighteen or twenty others, and had laid the foundations for a system of Catholic schools. He became archbishop in 1875, and continued his labors almost to the time of his death in 1888. Lamy is the great name in Catholic education in nineteenth century New Mexico.

252. Protestant Mission Schools, 1850–

1870. — Prior to the American Occupation Catholic missionaries had the New Mexico field all to themselves. After the close of the Mexican War Protestant missionaries from the United States began to enter the field, though for many years they made little headway. The



FIRST PROTESTANT CHURCH IN NEW MEXICO, SANTA FÉ, BUILT BY THE BAPTISTS, 1853

Baptists led the way, establishing the first Protestant mission school in Santa Fé in 1849 and building the first Protestant church in 1853. The Methodists followed and established a school in Santa Fé in 1850, but closed it in 1852 and did very little until the seventies. The Presbyterians came in 1851, but accomplished nothing until the Civil War, when they bought the property of the Bap-

tists in Santa Fé in 1866 and started a mission school there the next year. Episcopalians followed in 1863; and Congregationalists, in 1878. They all established mission schools as a leading part of their work.

Just as the railroad was coming the Congregationalists established an academy at Santa Fé in 1878 and others at Las Vegas and Albuquerque the following year, to be conducted by the New West Education Commission, which, in 1881, incorporated a private school at Santa Fé known as the "University of New Mexico."

Such institutions as the Menaul School (Presbyterian), the Rio Grande Industrial School (Congregationalist), and the Harwood Industrial School (Methodist) are good modern examples of Protestant missionary work in education.

II. ATTEMPTS AT PUBLIC EDUCATION

253. No Help from Congress. — Although Catholics and Protestants alike were establishing schools in various parts of the Territory, the rising generation was still growing up in ignorance. Moreover, the feeling of public responsibility for education was not so strong in the United States then as it has become in recent times, and the American Congress proved to be as neglectful of education in New Mexico as Spain and Mexico had been.

If Congress had risen to the moral opportunity for establishing an American school system in New Mexico then as it did fifty years later in the Philippines and Porto Rico, New Mexico might have entered the Union as one of the wealthiest and most progressive States. But Congress failed, and New Mexico has had to work out her own educational salvation.

254. The First Step, 1856. — In February, 1856, the legislature attempted to lay the foundations for the beginning of a public school system supported by direct public taxation at the rate of one dollar per thousand and exempting property owned in excess of fifty thousand dollars. Even with this concession to the wealthy few, such a storm of protest went up in Socorro, Santa Ana, Rio Arriba, and Taos counties that they were allowed a popular referendum on the law. Five thousand and sixteen votes were cast against the school system and *only thirty-seven for it*. The entire act was repealed the following December (1856), and the Territory continued to drift in the dark.

255. Reasons for the Opposition. — A system of free public schools supported by public taxation and not connected with the Church in any way was absolutely unknown in New Mexico, unheard of even until recent years. The whole idea was a new one imported from the States. Whether it was a good one or not, the average New Mexican was not sure. Its chief spokesmen were Americans and Protestants. It might be part of a deep-laid scheme to educate the children away from the Catholic Church. These suspicions, though groundless, were very real and powerful influences operating against a public school system.

Another mighty influence was the native disinclination to pay taxes, so clearly in evidence in the Revolt of 1837 (sec. 135) and again in the nineties (sec. 262). Most of the wealth of the Territory, in both land and live stock, was in the possession of a few people, who had no desire to be taxed for the education of the poor. Besides, the small settlements and ranches were widely separated, and the wild tribes roamed almost at will over every square

mile of the Territory. Gerónimo and his Apache warriors were finally captured (sec. 216) less than five years before the founding of the public school system in 1891.

256. The First Public School Law, 1860. — Thus matters drifted until 1860, when the legislature passed what was really the first public school law of the Territory. It provided for a school in each settlement, to be supported by a tax of fifty cents a month for each child who attended,



SPANISH-AMERICAN NORMAL SCHOOL

— and attendance was compulsory. These were *public* schools, but they were not *free* schools. The scheme, however, met the objection of the rich to paying for the education of the poor, and remained in force, with some modifications, for the next thirty years.

In 1863 the legislature made further regulations for the “education of all the children within the limits of this Territory . . . so far as the school funds will justify.” But where were those funds coming from? The law re-

ferred to them as being "derived from the government of the United States and from Territorial appropriations." Here was another educational hope built on nothing. The legislature did not appropriate a dollar; and it was already a well-known fact that Congress would do nothing. Worse still was the fact that the large grants of public lands (sections 16 and 36 in each township) which the government had set aside for school purposes were then wholly worthless because there were no buyers. Finally, in February, 1872, the legislature levied the first poll tax of one dollar a year for each able-bodied man twenty-one years old and assigned it to "school purposes exclusively." The liquor tax and fines for the violation of Sunday laws, added in 1876, completed the public revenues provided for schools until after 1890.

257. A Correction. — An oft-repeated slander to the effect that as late as 1889 the only qualification for a school teacher in New Mexico was that he should be able to read and write either Spanish or English, deserves to be set at rest once and for all. Here are the facts. In 1889 the legislature passed an act requiring that justices of the peace, constables, and other local officers, including school officers, should be able to read and write sufficiently well to keep their records in either English or Spanish; and through some carelessness "school teacher" appeared in the statute along with other school officers. To make this perfectly clear, after the mistake had been discovered, the legislature of 1893 amended the act by striking out the words, "school teacher."

III. THE PUBLIC SCHOOL SYSTEM

258. New Elements in the Situation. — These chaotic

conditions obtained down to 1890. That New Mexico had no school system was the one hard fact that the public could not get away from. The children of the Territory were growing up in ignorance in the decade from 1880 to 1890, when wealth was increasing as never before.

The coming of the railroads had brought men of every kind and from everywhere. Among them were great numbers of that restless, active type of people who con-



HIRAM HADLEY, PIONEER
EDUCATOR

stantly seek the newer regions of the frontier. Charmed by the new wild life on New Mexico's plains and mountains, or engrossed in the new wealth they were winning in mining, stock ranching, merchandising, or speculating, they forgot the finer thing of building up a new civilization for themselves and their children. Many of them, of course, had no families and no intention of staying in New Mexico any longer than was

necessary to secure an easy fortune to take away with them. Like some of the wealthy New Mexicans before them, they did not want to contribute a dollar of their money to anything.

But as the decade (1880-1890) advanced a new type of immigrants came in increasing numbers. They were the settler class who came to build homes and grow up with the new country. Accustomed to public education in the older States, they were immediately struck by the absence of educational opportunities for their children. Soon

groups of earnest men here and there were seriously discussing the problem of education. Only a population of educated and intelligent men and women would ever develop New Mexico's natural resources and build here a great State.

259. The New Mexico Educational Association.—The first public evidence of the new movement came in December, 1886, when the New Mexico Educational Associa-



tion was organized at Santa Fé for the purpose of keeping before the people the chaotic and deplorable educational conditions and bringing public sentiment to bear on the problem of securing material aid for the schools. That body has grown steadily, exercised an influence, and enrolled a proportion of the teachers hardly known to like organizations anywhere else in the country.

Another group of such men meeting in the real-estate office of Hiram Hadley at Las Cruces in 1888 worked out the plans for starting that fall the Las Cruces College, a

private school which later developed into the State Agricultural College.

260. Passage of the Common School Law, 1891.—Such work was preparing the way for a new education law. When the twenty-ninth Legislative Assembly met in December, 1890, Governor Prince urged upon it the creation of a modern and up-to-date school system as its most important duty. The old series of makeshift acts that had passed as public school laws had long been known as utter failures and were not worth patching up. Nothing short of a new system would meet the needs of the Territory's expanding life. The governor had chosen his time wisely and well. The agitation of recent years had made its impression on the public. The ignorance, hidebound conservatism, selfish interests, and selfish individuals that had had their way in the Territory for forty years were now marked for defeat. The Education Bill became law February 12, 1891.

261. Organization of the School System.—The new law created the office of superintendent of public instruction to be filled by the governor's appointment, and a Territorial board of education composed of the governor, superintendent of public instruction, and the presidents of the University, the Agricultural College, and St. Michael's College. This board was given wide powers for the organization and control of the entire school system and the adoption of a uniform system of textbooks.

The first step toward the organization of the new system was taken when Governor Prince appointed Amado Chaves, a graduate of St. Michael's College, as first Territorial superintendent of public instruction—an appointment which at once disarmed any possible suspicion that the public school system might be an American scheme for

training children away from the Catholic Church; for Mr. Chaves was both Spanish in blood and Catholic in religion.

262. Public Education at Public Expense. — Perhaps the newest feature of this new school law was the provision for supporting the schools by public taxation. The payment of the poll tax was now made a qualification for



MAIN BUILDING, NEW MEXICO NORMAL UNIVERSITY

voting — a provision which proved so unpopular that it was repealed at the next session of the legislature (1893).

These new schools were to be not only public, but *free* and supported at *public expense*. The old monthly tuition fee was gone. New Mexico was emerging from forty years of wandering in the wilderness of ignorance and ready to begin to apply the sound maxim that in a democracy every dollar of wealth is under a first mortgage for the education

of all the children of all the people. That is their birth-right.

263. An Era of Rapid Progress. — The superintendent's report for the first year under the system (1891-1892) showed over five hundred public schools with 23,000 pupils enrolled. Adding to this the sixty private schools with 4,000 students and the enrollment in the Territorial institutions brings the total for the year up to more than 27,000.

Until the end of the century progress was slow, the enrollment in the public schools not reaching the 30,000 mark until 1900. Then the move upward became more rapid. The tidal wave of immigration, the forerunner of the first dry-farming boom, soon began to move into the eastern counties, new school districts were created, and new schools sprang up. In this period of rapid change Governor Otero rendered the Territory his greatest educational service by the appointment of Hiram Hadley, former president of the Agricultural College, as Territorial superintendent of public instruction (March, 1905). Mr. Hadley was an educator of large ability and great personal magnetism, with unbounded energy and enthusiasm for the work. He brought to his new task the ripe experience of fifty years in educational work, fifteen years of it in New Mexico. Such fine leadership furnished the motive force necessary to start the great era of educational progress that has marked recent years.

264. Lengthening the School Term. — During the early years of this great forward movement the average school term was very short. In some of the towns and cities it stood at full nine months, but in the poorer and more sparsely settled rural districts it was seldom more than two months. To improve the situation somewhat the

legislature of 1903 required a minimum term of three months in every district and provided special funds to aid weak districts. Then the State constitution, effective January 6, 1912, raised the minimum requirement to five months. And the State legislature of 1915 took another forward step by advancing the minimum term to seven months.

265. County High Schools. — The cities already had good high schools, but the rural districts had none. The first State legislature (1912) passed a general county high-school law under which, as amended in 1913, any county might by special election establish one or more county high schools supported by a general county tax and free to all children of high-school grade in the county. During the spring and summer of 1913 such high schools were voted in Bernalillo, Colfax, Eddy, Luna, and Otero counties, and were opened in September of that year. At the time of this writing (1921) there are sixteen county high schools in thirteen counties of the State, and others are sure to follow until there is at least one in every county.

266. Industrial Education. — The same session of the legislature (1912) that provided for the establishment of county high schools also made provision for the introduction of industrial subjects into the course of study in the public schools. The scope of this work was greatly extended in 1917, when the State entered into a coöperative arrangement with the United States government for carrying on vocational training under the general provisions of the Smith-Hughes Act. Extensive work in agriculture, home economics, and trades and industries, and in the training of teachers of these subjects is under way in the high schools and educational institutions of the State.

267. The Elimination of Illiteracy. — The effect of the

school system was plainly apparent in the decade from 1900 to 1910, when the percentage of illiteracy in the State decreased from 32.2 per cent to 20.2 per cent, or more than a third in ten years. Still the percentage was high, only Arizona (20.9 per cent) among all the western States having a larger proportion. Soon the educational forces of the State began to give serious attention to these conditions, and the State Educational Association made the problem of illiteracy the central theme of its meeting at Albuquerque in 1915. Public attention was focused on it; night schools for adults sprang up in various parts of the State only to be snuffed out and forgotten in America's entrance into the Great War.

That loss, however, has been more than compensated for since the war by the Federal government's provision for the training and rehabilitation of disabled soldiers, sailors, and marines, and of persons disabled in industry.

268. Achievements and Shortcomings. — It is doubtful whether there is any other country in the world where so much educational progress has been made in the same length of time as has been made in New Mexico since 1891, and especially since 1900. The record is one to be proud of. But the State cannot afford to forget that progress and achievement are relative, and that her neighbor States are likely to outdistance her. New Mexico spends a smaller amount per capita on public education than any other western State, and she assesses her taxable wealth at a lower rate for education than any other western State. Her teachers are correspondingly underpaid. One of two things must happen: the State must make more adequate provision for school equipment and teachers' salaries, or the training of her children must suffer.

IV. HIGHER EDUCATION

269. Founding the State Institutions. — In New Mexico, as elsewhere, the higher institutions of learning are older than the common school system. February 28, 1889, Governor Edmund G. Ross signed the bill creating the University, at Albuquerque; the Agricultural College, at Las Cruces; and the School of Mines, at Socorro, with a "territorial institution fund" for their support and general improvement.¹



A CAMPUS VIEW, NEW MEXICO COLLEGE OF AGRICULTURE AND MECHANIC ARTS

270. The Agricultural College. — The Agricultural College was located at Las Cruces, where the older students of Professor Hadley's Las Cruces College (sec. 259) formed the

¹ An interesting story is told of the hot competition for the Agricultural College, which, because of its partial support and direct connection with the United States government, was the most important of the group. Enterprising citizens of Las Cruces and the Mesilla Valley, to show the superiority of their section as the location for an agricultural college, got together a fine lot of fresh lettuce, spinach, radishes, young onions, and other vegetables from their winter gardens, shipped them to Santa Fé, and gave a big dinner to members of the legislature at the old Palace Hotel, in February, 1889, placing on each plate a card with the legend, "Grown in the Mesilla Valley." The Albuquerque boosters, not to be outdone, announced that they would give a similar dinner from their gardens. Then the sly Las Cruces group slipped away to a printing office and secured some nice cards bearing the inscription: "These vegetables would have been fresher if the express from California had not been delayed by heavy snows around Flagstaff," which they proposed to place on every plate of Albuquerque products. But they had all their trouble for nothing: the Albuquerque dinner was never given.

nucleus of the new institution when it was opened in January, 1890, with thirty-five students and a faculty of eight, with Professor Hadley as its first president. This institution is one of the Federal land-grant colleges provided for in the Morrill Act of Congress, July 2, 1862, and is the oldest of the State educational institutions. It has developed a strong and varied curriculum, a large student body, and an Extension Service that covers the entire State, while the work of the Experiment Station is of great value to the farming and stock-raising industries.

From small beginnings and a very elementary curriculum, the College grew steadily in size and constantly raised its academic standards until 1909, when the course of study was placed on a strictly college basis, requiring four years of high-school work for entrance to the freshmen class. When the United States Bureau of Education made its official classification of American colleges and universities in 1912, the New Mexico College of Agriculture and Mechanic Arts was one of the six agricultural colleges receiving the highest rank.

271. The University. — The State University, created by the law of 1889, was to be an integral part of the public educational system, whenever there should be such a system.

The new institution began work with a summer term in 1892, held in the building of the Albuquerque Academy (now the Albuquerque Public Library) and attended by seventy-five students, chiefly prospective teachers. That fall the University opened the doors of its new building "on the hill" for the beginning of its first regular term. It had a faculty of four and enrolled eighty students during the year. The curriculum was very elementary and would

look poor by the side of the course of study of a modern high school. Like the Agricultural College, however, it has steadily raised its standards, until to-day it has a strong faculty and a large student body from New Mexico and elsewhere.



272. The School of Mines. — Along with the Agricultural College and the University was created the School of Mines to be located at Socorro. Its first building was completed in 1892, though the necessary equipment and funds for actually opening the school were not available until September, 1895. It had twenty-three students and a faculty of five the first year.

Like the Agricultural College and the University, the School of Mines was starting on a long period of slow

growth. Its location in a rich mining region has furnished the necessary contact with the mining industry for the development of the proper attitude toward mining problems and for securing experience in the practice of mining engineering.

273. The Military Institute.—In the fall of 1891 Colonel Robert S. Goss opened a private school known as



ADMINISTRATION BUILDING, NEW MEXICO SCHOOL OF MINES

the Goss Military Institute in the town of Roswell. In February, 1893, the legislature adopted Colonel Goss's school as the New Mexico Military Institute. Otherwise there was no connection between the two schools; for when the Goss Military Institute closed and its faculty scattered in 1896, there were still no funds available for the new Territorial institution. In September, 1898, it opened its doors. The enrollment of a hundred that year was miscellaneous in character, including several girls. During

that first year, however, the Institute found itself; and at the opening of the second year it went on to a strict military school basis, requiring all students to live in the institu-



tion and remain at all times under school regulations and military discipline — the first experiment of the kind west of the Mississippi River. It succeeded from the beginning.

The Institute was first recognized by the United States government in 1909, when it was one of only six military schools in the country placed in the distinguished list of the War Department. It is now rated as one of the honor military schools of the United States.

274. The Normal Schools. — The same month (February, 1893) in which the Military Institute was created the legislature passed another act creating two normal schools to be located at Silver City and Las Vegas. The Silver City institution opened its first session in the Presbyterian church in September, 1894, but had no building of its own until 1896. The Las Vegas normal was not opened until October, 1898; and before the close of its first year its ambitious president, Dr. Edgar L. Hewett, conceived the idea of making it a teachers' college and secured from the legislature (February, 1899) a special act changing its name to the New Mexico Normal University.

The last session of the Territorial legislature (March, 1909) created the Spanish-American Normal School at El Rito to serve as a center for the training of teachers for the rural schools in the Spanish-speaking sections of the northern and western parts of the State. Its first session opened the following September (1909).

275. School of American Research. — The Archæological Institute of America has been carrying on work in the Southwest for more than a generation. In 1909 the legislature created the Museum of New Mexico under the joint control of the State and the Archæological Institute. In it is deposited the Institute's great southwestern collection. This collection and that of the Historical Society of New Mexico are housed in the historic old Palace of the Governors, the oldest government building in the United

States. In this Museum the Archæological Institute soon started the School of American Archæology, now the School of American Research. It is not a school in the ordinary sense, devoting its energies to teaching; but is an institution primarily engaged in archæological investigation and in research in the early history of the peoples who have occupied this region. Around the Museum and the School has grown up a notable colony of scholars and artists from various parts of the country.

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- H. H. BANCROFT, *History of Arizona and New Mexico*, 774-776.
 L. B. PRINCE, *A Concise History of New Mexico*, 252-258.
 B. M. READ, *Illustrated History of New Mexico*, 533-561.
 R. E. TWITCHELL, *The Leading Facts of New Mexican History*, II, 328-356, 506-509; V, 124-130, 164-201.
 J. H. VAUGHAN, *History of Education in New Mexico*, Chapters V-IX.

SPECIAL TOPICS

The class should work up, on the coöperative plan, the early history of schools in its town or county.

QUESTIONS AND SUGGESTIONS

1. Why were educational conditions in 1850 particularly backward? Were private schools more important from 1850 to 1890 than they are to-day? Why?
2. Give an account of the educational work of Bishop Lamy; of the Protestant denominations.
3. What steps toward a public school system were taken in 1856? Why did they fail? Should Congress have helped? Why?
4. How were the public schools established in 1860 supported? What were the first public revenues provided for them? When?
5. What change of sentiment regarding public education took place between 1880 and 1890? Of what importance was the New Mexico Educational Association?
6. When was the public school system established? How old is it? When did the present era of rapid educational progress begin? What were some of the influences that brought it about?

7. What provisions have been made for lengthening the school term? How rapidly is illiteracy being eliminated?

8. When were county high schools first established? What progress has been made in vocational education?

9. How does New Mexico compare with other western States in the amount spent for public education? Why is that fact important?

10. Sketch briefly the origin and development of the Agricultural College, the University, the School of Mines, the Military Institute, the Normal Schools, and the School of American Research.

CHAPTER XV

THE BEGINNINGS OF STATEHOOD

I. THE STATEHOOD MOVEMENT

276. Early Efforts.— The collapse of the "State" government of 1850 (sec. 182) put an end to the movement for many years. In 1866, however, a convention framed another constitution and submitted it to popular vote. Still others followed in 1870-1872, while in Congress a very different movement was on foot. The name "New Mexico," older than Plymouth, or even Jamestown, was not popular with Easterners. Some of them, really opposed to every extension of western influence, now proposed to organize the Territory as the "State of Lincoln." Even in that form the bill did not pass.

277. A Thoughtless Act Defeats Statehood.— In 1874-1875 Stephen B. Elkins, then Delegate in Congress from New Mexico, joined the Delegate from Colorado in a fight to have the two Territories admitted into the Union. The East was hostile; but both men were Republicans and succeeded in making statehood something of a party measure in order to secure eastern votes. They also counted on securing some Democratic votes from the South, because the South was more favorable to western development and because both Territories were either doubtful or Democratic.

In the spring of 1875 success seemed in sight, when New Mexico's prospects were ruined by a thoughtless

act. One of the old "force bills" of the Reconstruction period was being discussed in the House. A new and unknown Republican congressman by the name of Burrus, from Michigan, seized the opportunity to win notoriety by making a "bloody-shirt" speech, in which, as an eye-witness puts it, "he grilled the Southerners from head to foot" with bitter denunciation. During the last five minutes of the speech Mr. Elkins stood near by "as if spellbound, listening to him," and when Burrus closed "with a flood of invective," Elkins was the *first* man to rush up and congratulate him. The Southerners, in a life-and-death struggle to preserve their States from Negro rule, never forgave Elkins nor forgot that he was the Delegate from New Mexico; and on the final roll call they voted for Colorado and against New Mexico. Colorado became a State; New Mexico remained a Territory. The "Elkins handshake" had defeated statehood.

278. Influence of the Railroads.—The period of rapid development in mining, stock raising, and town building that followed the coming of the first railroad in 1879 and the expansion of railroad facilities in the next few years brought a lull in statehood agitation. The people were too much absorbed in the rapid growth of their material wealth to give much time to National politics. Toward the end of the eighties (in 1887–1890), however, another movement was started in Washington to admit New Mexico, this time with the absurd name of the "State of Montezuma." But the name did no harm; for all these bills died without passing Congress.

While North and South Dakota, Montana, Washington, Idaho, and Wyoming were becoming States, the Republican Congress saw no good reason why Democratic New

Mexico should be made a State. In this situation the Territorial legislature provided for another constitutional convention to meet at Santa Fé, in September, 1889, and frame a constitution.

But in arranging for the convention there had been such inequalities in the distribution of seats that the Democrats stayed away from the elections and there was only one Democrat in the convention. As a result, when the constitution was submitted to popular vote in October, 1890, it was rejected by a decisive majority. Thus matters drifted until after the Spanish-American War.

II. THE SPANISH-AMERICAN WAR

279. The Call for Volunteers. — When the storm broke over Cuba in 1898, President McKinley called on New Mexico for her quota of three hundred and forty volunteer cavalymen as part of a regiment of western cowboys for service in Cuba under Captain Leonard Wood and Lieutenant Colonel Theodore Roosevelt. In eight days the entire quota was mustered into service at Santa Fé and ready to proceed to San Antonio, Texas, for regimental organization.

280. The Rough-Rider Regiment. — This fine southwestern regiment composed of men from New Mexico, Arizona, Oklahoma, and Indian Territory, with a few scattering individuals from almost everywhere, was a gathering of rugged men ready to be trained into dogged fighters who would give a good account of themselves. But it was no cowboy regiment. "Roosevelt's Rough Riders," says Colonel Twitchell, "were clerks, stenographers, college men, coal diggers, bartenders, printers, railroad men, mechanics, hack drivers, miners, prospectors,

and a respectable contingent of 'punchers' of the true southwestern plains variety." They soon became both rough riders and good soldiers.

281. Fighting in Cuba. — Leaving San Antonio, May 29, this Rough-Rider regiment proceeded by way of Tampa, Florida, to Cuba, landing near Santiago, on June 22 —



GENERAL NELSON A. MILES

just in time to be in action at Las Guasimas (gwä-sē'mäs), the first engagement in Cuba, two days later. At El Caney (kā'nī) and San Juan, July 1-3, they won brilliant victories. But their fighting was soon over; for when Santiago surrendered, July 17, the war in Cuba ended, and Porto Rico surrendered without a battle. On August 7 they left Cuba; September 15

they were discharged from service.

The second call for volunteers came so late and the war ended so suddenly that the "Big-Four" regiment from New Mexico, Arizona, Oklahoma, and Indian Territory had not yet left Camp Churchman, Georgia, when Santiago surrendered and the Spanish opposition collapsed. They returned home without seeing any active service.

III. THE WINNING OF STATEHOOD

282. The Moral Victory. — New Mexico had been called

on in a National crisis and had made good. The Rough-Rider Regiment had done such credit to itself and its section that even the solidly Republican Congress would find it more difficult now to ignore the demands of these four southwestern Territories — New Mexico, Arizona, Oklahoma, and Indian Territory — for self-government.

The case of New Mexico was somewhat changed, too, by the fact that her Delegates in Congress in recent years were generally Republican. In fact, there were indications that the political complexion of the Territory had changed. Prior to 1896 New Mexico had generally been Democratic. In the elections of that year, though the Democrats retained control of the Legislative Council, the Republicans carried the House of Representatives; and after that year both houses became safely Republican.

283. Union with Arizona Proposed, 1906. — Even then a certain unworthy jealousy of southwestern influence showed its control over Congress by the proposal to organize the *four* Territories into only *two* States, — Oklahoma and Indian Territory to become the State of Oklahoma, and New Mexico and Arizona to become the State of Arizona.

The New England and eastern influences opposed to the admission of any new western States, knowing that New Mexico and Arizona would not unite, saw in this joint-statehood proposition a cheap method of "saving the face" of their party, which had pledged itself to "Statehood for the Territories."

284. Joint Statehood Defeated. — The outcome was never in doubt. Arizona was strongly Democratic; New Mexico, doubtful or probably Republican. Arizona had fewer than 150,000 people; New Mexico, probably 250,000. If they were yoked together, New Mexico would be the

dominant partner in the new concern. The name "Arizona" was not sufficient compensation for this loss of power. Arizona, therefore, defeated it overwhelmingly, while New Mexico, better satisfied with the situation because her larger population assured her a controlling influence in the new State for years to come, accepted it. Accepted by one



Courtesy of Shipley Bros. Cattle Co.

HEREFORDS ON THE RANGE TO-DAY

Territory and rejected by the other, the proposition was dead — as Congress expected.

285. The Enabling Act of 1910. — But it wouldn't stay dead. The joint-statehood movement in the Indian Territory and Oklahoma had carried; New Mexico and Arizona alone were left out of the Union. And the very fact of being the only Territories left gave them a new

advantage by attracting the attention of the whole country to this glaring injustice due to partisan and sectional motives unworthy of a great nation. Public opinion was not long in getting results. The Enabling Act passed Congress and was signed by President Taft, June 20, 1910.

I . THE FORMATION OF THE STATE GOVERNMENT

286. The Constitutional Convention, 1910. — Under the provisions of this law the governor of the Territory called an election to be held on September 6 to choose members of a constitutional convention to meet in Santa Fé, October 3. The roll call showed that it was composed of seventy-one Republicans and twenty-nine Democrats.

During the campaign there had been widespread discussion of the initiative, referendum, recall, direct primary, and many other progressive ideas; and many members of the convention had pledged themselves to work for the embodiment of these ideas in the new constitution. The convention, however, though it contained a large array of the ablest men in the State, did not prove to be a progressive body. The result of its work, which closed November 21, was a "model of conservatism." The writing in of the progressive features of modern constitutions was left to the future.

287. Ratification of the Constitution. — In the campaign that followed, many leading Democrats put forth a determined effort to have the constitution rejected so that the convention would have to reassemble and frame a new one nearer in accord with what they believed to be public opinion. On this issue, however, those who favored ratification had a very decided advantage. In the first place, the constitution was a Republican product, and the appeal

to party loyalty would carry a large vote. Secondly, many people, knowing that the East was really opposed to statehood in any form, and fearing that a rejection might lead to complications that would defeat statehood itself, voted for it on that ground. These considerations, rather than the merits of the constitution, explain its ratification by the large vote of 31,742 to 13,399. But in spite of these advantages, it was defeated in counties as widely scattered as Lincoln, Roosevelt, San Juan, and Sierra. It was approved by Congress and the President August 21, 1911; and the people turned to the exciting events of the political campaign preceding the first State election November 7, 1911.

288. The Blue-ballot Amendment. — One of the most convincing arguments advanced against the new constitution was that the process of amendment had been made so complex and difficult that it was practically unamendable. The delay of Congress in approving the constitution gave time for the same argument to be used with telling effect in Washington. Hence Congress required the people to vote on a new amending clause to take the place of Article XIX of the original constitution, making the process of amendment simpler and easier. This new article, printed and submitted on blue paper, and hence known as the "blue-ballot amendment," was a decided improvement.

289. The First State Election. — The campaign in the fall of 1911 aroused the keenest interest throughout the Territory. A full ticket of State, county, and district officers was to be elected; two representatives in Congress were to be chosen; and the legislature elected at that time would choose two members of the United States Senate.

The Democrats, long out of power and poorly organized, had the advantage of not being responsible for any of the unpopular measures of recent years. The Republicans, steadily in power for fifteen years and well organized for the contest, lost their tactical advantage by having a record to explain and defend. This put the Republicans on the defensive in the campaign and at the same time furnished the Democrats their easiest point of attack. The latter, evidently appreciating their advantage, nominated William C. McDonald, of Carrizozo, a substantial business man, especially well known among the cattle and sheep men.

The Republicans fought-with the confidence that came from fifteen years of steady victories. The Democrats, strengthened by the assistance of several former Republicans now turned "Progressives," received the support of the Albuquerque *Morning Journal*, the largest newspaper in the State. On election day, November 7, McDonald was elected, and the "blue-ballot amendment" was ratified, the latter by a vote of 34,897 to 22,831.



GOVERNOR
WILLIAM C. McDONALD
1912-1916

290. Admission of the State, January 6, 1912. — Step by step the process of transforming the Territory into a commonwealth had been completed. Promptly on January 6, 1912, as soon as the official count of the votes reached Washington, President Taft proclaimed New Mexico the forty-seventh State of the Union.

The new State, county, and district officers immediately took the oath of office and entered upon their official duties. When the elaborate inauguration ceremonies took place at Santa Fé, January 15, 1912, and William J. Mills, the last Territorial governor, introduced his successor, William C. McDonald, first governor of the State, the Territory of New Mexico passed into history.

V. POLITICAL AND SOCIAL DEVELOPMENT

291. Political Parties and Their Strength. — Although the Territory had been under Republican control since 1896 (sec. 282), the strong Democratic vote for Delegate to Congress in the last years of the Territory raised some doubt about the permanence of that control. The constitutional convention of 1910, however, with seventy-one Republican delegates and only twenty-nine Democrats, seemed to remove any doubt on that point. Yet careful students of political affairs refused to be convinced. They pointed out the fact that this overwhelming majority was due to inequalities in the apportionment of delegates. But positive proof was lacking.

The first State election furnished the necessary evidence for drawing surer conclusions. The constitutional convention had so districted the State for both houses of the legislature and for district judges and attorneys that these still showed Republican majorities. But the vote for congressmen, governor, and other State officers, in which the whole State was counted as a unit — the real index of party strength — told a different story. For Congress George Curry, Republican, and Harvey B. Fergusson, Democrat, were elected. For the governorship McDonald, Democrat, had beaten his opponent by three thousand

majority (31,016 to 28,019), and the Democrats had also elected their candidates for lieutenant governor, secretary, treasurer, and superintendent of public instruction — five in all. The Republicans, on the other hand, had elected their candidates for attorney general, auditor, and commissioner of public lands, while the State Supreme Court and the corporation commission had each one Democrat and two Republicans.

One thing was clear beyond any doubt: New Mexico was entering the period of statehood with Democrats and Republicans almost equally balanced and would have to wait for the future to determine the question of political control. The second State election (1916), though somewhat more Republican in trend, still gave the governorship to the Democrats. The third (1918) showed small Republican majorities all along the line. The fourth (1920) followed the Nation in a complete Republican victory.

292. Growth of Population, 1850–1920. — The census of 1850 showed a population of 61,547; and in the next decade a steady flow of immigration caused an increase of more than fifty per cent, to 93,516 in 1860. Cutting off the Territory of Arizona caused a slight decrease to 91,874 in 1870. The rise to 119,565 in 1880 showed the influence of the railroad which had entered the preceding year. That influence was particularly noticeable in the increase to 160,282 in 1890 and 195,310 in 1900. Then came the great boom years of immigration at the beginning of the new century, carrying the population figure to 327,301 in 1910 — an increase of 67.6 per cent in ten years. The next decade, however, showed a slowing up. The rise to 360,247 in 1920 amounted to but 10.1 per cent.

293. Origin and Character of the Population. — This growing population is strikingly cosmopolitan: it comes from everywhere. When the railroads came, 90 per cent of the people had been born in the Territory. Then rapid immigration brought great changes. By 1910 only 53.6 per cent had been born here, whereas 46.4 per cent had been born outside the State. Of that number 23,000 were foreigners, chiefly Mexicans, with a very small number from nearly every country of the world. The remaining 39.3 per cent were Anglo-Americans born in other States of the Union. This last figure is significant. When it is remembered that a large part of the population born in the State is of Anglo-American parentage and that 39.3 per cent of the total is made up of Americans not born in the State, it will be seen that by 1910 the Anglo-Americans had become at least half the population of the State, probably more. And the proportion is rapidly increasing by immigration from other States. This conclusion is confirmed by the State's service record in the Great War. Out of a total of 17,157 New Mexicans in active service during the war only 5,437 or 31.66 per cent bore Spanish names, while 11,720 or 68.34 per cent were non-Spanish.

More than half of this immigrant population comes from the States west of the Mississippi. Texas, Missouri, Illinois, Oklahoma, and Kansas furnish the largest numbers, in the order named, Texas contributing about three times as many as Missouri, her nearest competitor.

VI. TROUBLE ON THE MEXICAN BORDER

294. Villa's Raid on Columbus. — Stealing and cattle "rustling" back and forth across the Mexican boundary, with the resulting complaints from those who were getting

the worse of it, was an old form of border trouble. Yet the United States had been on cordial terms with the Mexican government for half a century when the Madero (mä-thā' rô) revolution broke out in Mexico in the spring of 1911. The overthrow of Porfirio Díaz (pôr-fē'ryō dē'äs), the autocratic president; the murder of Madero, the reformer;

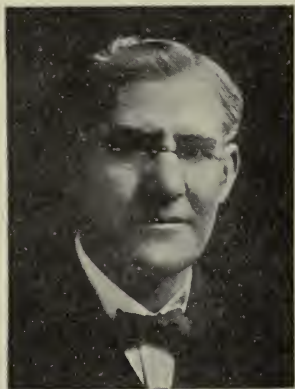


VILLA BANDITS IN THE STATE PENITENTARY

and the accession of Huerta (wër'tä), the bloodthirsty military dictator, ushered in a period of unparalleled anarchy throughout the Mexican Republic. American financial interests in Mexico suffered heavily, many Americans were killed, and popular indignation in this country ran high.

One of the worst of the bandit leaders infesting northern Mexico was the outlaw, Francisco ("Pancho") Villa (vē'yä). With everything to gain and nothing to lose, he

courted American intervention in order that he might obtain a following and win fame as a defender of his country against the foreign invader. In pursuance of this plan he led eight hundred or a thousand of his ragged rebel followers into the border town of Columbus, New Mexico, on the night of March 8, 1916, "shot up" the town, set fire to houses, and killed a number of people. The American



GOVERNOR E. C. DE BACA
1917

border patrol under Colonel Herbert Slocum, commanding the 13th U. S. Cavalry, was caught unawares and a number of the men killed before they could get into action. Then Villa and his raiders fled. They were pursued by Major Frank Tompkins, and about twenty of their number were killed and some others captured.

295. American Expedition into Mexico.—An American punitive expedition of six thousand men

under Brigadier General John J. Pershing crossed the border at Columbus less than a week later (March 15) with orders to capture Villa dead or alive. Mexican coöperation, at first halfhearted, quickly became pure fiction. Evidence of this was furnished by the clash between Mexican and American troops at Parral (pä-räl'), April 12. Although the American expedition had quickly penetrated four hundred miles into northern Mexico, Villa and his bandits, familiar with every foot of the country, found no difficulty in keeping out of danger; and now our government had to choose between dropping the chase of Villa or beginning war with Mexico.

It wisely chose to drop the chase; and Pershing's men, soon numbering twelve thousand in all, sat down to await developments.

296. National Guard Called Out. — German intrigue in Mexico was widespread, and conditions of anarchy on the border continued to increase. Early in May Villista (vē-yēs'tä) raids broke loose again, this time into Texas, and the President called out the National Guard for patrol duty on the whole Mexican border. The New Mexico guardsmen, nearly eight hundred strong, were the first to report at the mobilization camp at Columbus, New Mexico, May 12.

The presence on the border of a hundred thousand khaki-clad young Americans eager for a fight furnished a wholesome object lesson to our southern neighbors. Villa's bands disappeared and the guardsmen spent the summer with nothing to do but to assimilate the necessary amount of military training to make them into an army of first-class fighting men.

297. Withdrawal from Mexico. — This continued quiet along the border during the summer and fall (1916) prepared the way for the withdrawal of the American troops from Mexico. By the end of January, 1917, General Pershing and his entire force were moving leisurely back toward the border. Villa had not been caught, but the military demonstration along the international boundary had lessened the disorder to such an extent that on April 5 the National Guard was mustered out of the service.

VII. NEW MEXICO IN THE GREAT WAR

298. Mobilization. — The guardsmen's training as soldiers, however, stood them in good stead a few months

later; for hardly had General Pershing's expedition been withdrawn from Mexico when it became apparent to careful observers that the United States must soon enter the European War against the ruthless Central Empires (Germany and Austria). In fact Congress declared war on April 6, 1917, the very next day after the National Guard had been mustered out; and when President Wilson called



GOVERNOR W. E. LINDSEY
1917-1918

the National Guard into Federal service (April 21), New Mexico had but eighty-eight members to answer—the forty-nine officers and thirty-nine enlisted men who had taken the oath for induction into the Federal service before the mustering out.

The work of recruiting the National Guard of the State to full strength was so well done that by the middle of June thirteen hundred guardsmen were mobilized at Camp Fun-

ston, the new training camp constructed at Albuquerque by the State Council of Defense.

299. Special Session of the Legislature.—Five days after the President called the National Guard into Federal service Governor Lindsey called (April 26) the State legislature to meet in special session on May 1 to make provision for the defense of the State and the assistance of the government in carrying on the war. It created a State Council of Defense to mobilize and organize the whole resources of the State, both moral and physical, for the effective prosecution of the war; appropriated \$750,000

to be used for war purposes; and made provision for coöperation with the State Agricultural College in an organized effort to secure the conservation of food and the production of larger crops.

This idea of conservation as a war measure played its part in rolling up the majority of more than sixteen thousand for the prohibition amendment to the State constitution that fall (November 6, 1917).

300. The Guardsmen Go Overseas.—

In September (1917), after three months of intensive training in camp at Albuquerque, the first detachment of New Mexico boys, popularly known as "Battery A" (of the 146th artillery), left for Camp Greene, North Carolina. In October the others went to Camp Kearny, California. Fortune smiled on Battery A. Although two or three hundred



COLONEL E. C. ABBOTT

individual New Mexicans had been able to get to Europe ahead of it, Battery A, the first distinctively New Mexican unit to get across, was in France before the close of the year, ready to play a heroic part at the beginning of the Great Spring Drive and to fire the opening guns at Château-Thierry (shä-tō' tyě-rě'). The other New Mexico guardsmen, who were sent first to Camp Kearny, California, though not sent overseas so soon, were nearly all in France before the signing of the armistice, either under Colonel E. C. Abbott, as part of the Fortieth Division of General Pershing's army or as replacements assigned to other divisions.

301. The Great Spring Drive, 1918. — The year 1918 opened in gloom. The Russians were completely out of the war. Germany was moving her great eastern army to the western front to attack the British and French with overwhelming numbers in a supreme effort to separate them and crush them one at a time before the Americans could get "over there" in sufficient numbers to turn the tide of



COLONEL
CHARLES M. DEBREMONT

victory. The drive opened March 21; by the twenty-eighth the English front was broken; and for three months the German hordes moved forward according to schedule. We read our morning paper with bated breath, while dismay and indignation spurred on every American war activity. American forces landed in France in increasing thousands every month.

302. The Tide Turns. — By midsummer more than a million fresh American troops were on the western front to add their weight to the forces of the weary British and French fighters. On June 2, 1918, the American Marine Corps began its famous fight to check the German drive toward Paris at Château-Thierry—and did it. For a solid month they did the impossible in clearing Belleau (bĕl-lō') Wood of German machine gun nests. The fighting qualities of the Americans no longer needed proof. A new hour was about to strike — and the German armies knew it.

It struck July 18, when General Foch began the allied offensive along the whole front from Château-Thierry on

the Marne (märn) to the river Aisne (ân). The great victory in this Second Battle of the Marne (July 18-21) removed the German threat from Paris. September 12-13 General Pershing wiped out the St. Mihiel (săn mễ-yễl') salient and helped pave the way for smashing the famous Hindenburg Line. The Germans' "On to Paris" was now to become "Off for Berlin."

303. New Mexicans at the Front. — Though Battery A of the New Mexico National Guard, a machine gun unit of about a hundred and ninety men under Captain Charles M. deBremond, was the first distinctively New Mexican organization to reach France, thousands more followed in the spring and summer of 1918, not as separate units, but scattered throughout the new National Army. In every branch of the service they won distinction. The first American soldiers



MAJOR
JOSEPH QUESENBERRY

under an American officer to capture German prisoners were led by Captain Joseph Quesenberry, of Las Cruces, a former student in the State Agricultural College and one of the first New Mexicans to reach Europe. Later as a major in the Great Spring Drive he gave his life for freedom.

At Château-Thierry, Belleau Wood, the Second Battle of the Marne, St. Mihiel, and a hundred other bloody fields New Mexican boys won honor for themselves and glory for their State. Sons of the Spanish conquerors and

of American pioneers fought side by side in the common cause, spurred on by the same high patriotism, and aided by a hundred patriotic New Mexican Indians formerly the common enemy of both.

304. Numbers in Service. — To all branches of the service the State contributed 17,157 men, a larger number in proportion to population than the average for the whole country. In the number of men contributed to the volunteer National Guard in proportion to population, New Mexico stood fifth among all the American States. Yet nothing else gives so adequate an idea of the spirit of the people as the fact that of the 17,157 New Mexicans in active service during the war only 8,505 were in the draft, and many of these were actually volunteers. All the rest, more



GOVERNOR

O. A. LABRAZOLO, 1919-1920

than fifty per cent, were volunteers untouched by the draft. Of the total, 5,437 (31.66 per cent) were men of Spanish names; 11,720 (68.34 per cent), non-Spanish.

305. Civilian War Work. — Those who could not go to the front did their part patriotically at home. Every organization and institution, political, social, religious, and educational, bent its energies to the all-absorbing task of winning the war. They backed the Liberty Loans, supported the Y. M. C. A. and Knights of Columbus, worked for the Red Cross, and gave freely of both time and money to every undertaking for enlarging the numbers, im-

proving the morale, and strengthening the fighting qualities of the American army.

Units of the Students' Army Training Corps were established at the University, the Agricultural College, and the Military Institute to train officers for the army. The whole curriculum in each of these institutions was quickly overhauled and readjusted to meet war conditions. Technical training in mechanical and engineering lines was given by the Agricultural College, at the request of the War Department, to hundreds of enlisted men from New Mexico and other States.



GOVERNOR
MERRITT C. MECHEM
1921-

306. Financial Support.—Every call for money to be used by the great war organizations was answered with unbounded generosity. The awful spring of 1918, when the Germans were driving everything before them and the cause of freedom was in its darkest hour, found in almost every New Mexican home the grim determination to make any sacrifice necessary to defeat the despotic Central Empires. In May and June (1918) the Y. M. C. A. campaign for \$30,000 to be used among the men on the European battle front easily secured \$60,600. In July the Salvation Army asked for \$18,000 and got \$24,600. Then came the United War Work drive in September for \$204,000, answered by subscriptions totaling \$286,000.

Side by side with this generous and self-sacrificing

giving in support of the great war organizations went an equal loyalty and enthusiasm in lending financial support to the government for carrying on the war. In every Liberty Loan campaign during the war New Mexico went triumphantly "over the top." These official figures for the State tell their own eloquent story :

LIBERTY LOAN	DATE	QUOTA	SUBSCRIPTION
First	May, 1917	\$ 1,375,400	\$ 1,834,600
Second	October, 1917	3,095,700	3,945,750
Third	April, 1918	3,658,500	6,001,750
Fourth	October, 1918	3,243,300	6,170,300

A further subscription of \$1,873,100 to the Victory Loan in April (1919) after the signing of the armistice carries New Mexico's total to the magnificent sum of \$19,825,500.

307. Looking Forward. — In the great National crisis New Mexicans had been called on to stand up and be counted. They had acquitted themselves with honor. The courage, independence, and resourcefulness that had been bred in them through generations of pioneering on the fringe of civilization made them daring leaders and dogged fighters. Returning to the pursuits of civil life after the great experience and the quickening influences of the struggle, they are new men looking forward to a bigger and better day. New social energies have been set in motion throughout the whole population that will be mighty forces in the building of a great and progressive State. New Mexico is indeed the Land of To-morrow.

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J. H. VAUGHAN, *History of Education in New Mexico*, Chapters VIII, IX.

SPECIAL TOPICS

1. THE STATEHOOD MOVEMENT. L. B. Prince, *New Mexico's Struggle for Statehood*, 24-128.
2. THE ADOPTION OF THE CONSTITUTION. *Proceedings of the Constitutional Convention* (Santa Fé, 1910); *Constitution for the Proposed State of New Mexico* (Hearings by the House Committee on Territories, Washington, 1911).
3. THE GREAT WAR. *The New Mexico Blue Book*, 1919, 63-114.

QUESTIONS AND SUGGESTIONS

1. Why has the name "New Mexico" always been somewhat unpopular in the East? Why was the East opposed to statehood?
2. How and when did the "Elkins handshake" defeat statehood? Why were the Southerners favorable to New Mexico?
3. What effect did the coming of the railroads have on the statehood movement? Why? Why was the constitution of 1889 not ratified?
4. Give an account of New Mexico's part in the Spanish-American War. Who were the Rough Riders?
5. What effect did the war have on the statehood movement? Why? What other influences were favorable?
6. Why was joint statehood with Arizona proposed? Why did it fail? When was the Enabling Act (Statehood Bill) passed?
7. How many members were in the constitutional convention? How were they divided by parties? Was the convention progressive or conservative?
8. What arguments were advanced against the ratification of the constitution? Why was it ratified by a large vote? What was the "blue-ballot amendment"?
9. Give an account of the first State election. What advantages did the Democrats have? The Republicans? Who won? Why?
10. When did New Mexico become a State? Who was the first governor?
11. Is the State Democratic or Republican? See sections 282, 291.
12. In what periods since 1850 has population grown most rapidly? Least rapidly? Why?

13. Give an account of political conditions in Mexico after 1911; the Columbus Raid and the American expedition into Mexico. Why was the expedition withdrawn without accomplishing its full purpose?

14. What was the effect of calling out the National Guard?

15. Give an account of New Mexico's preparations when the United States entered the Great War. Why was a special session of the legislature called?

16. Tell about the moving of the New Mexico troops overseas and their work in checking the Great Spring Drive of 1918.

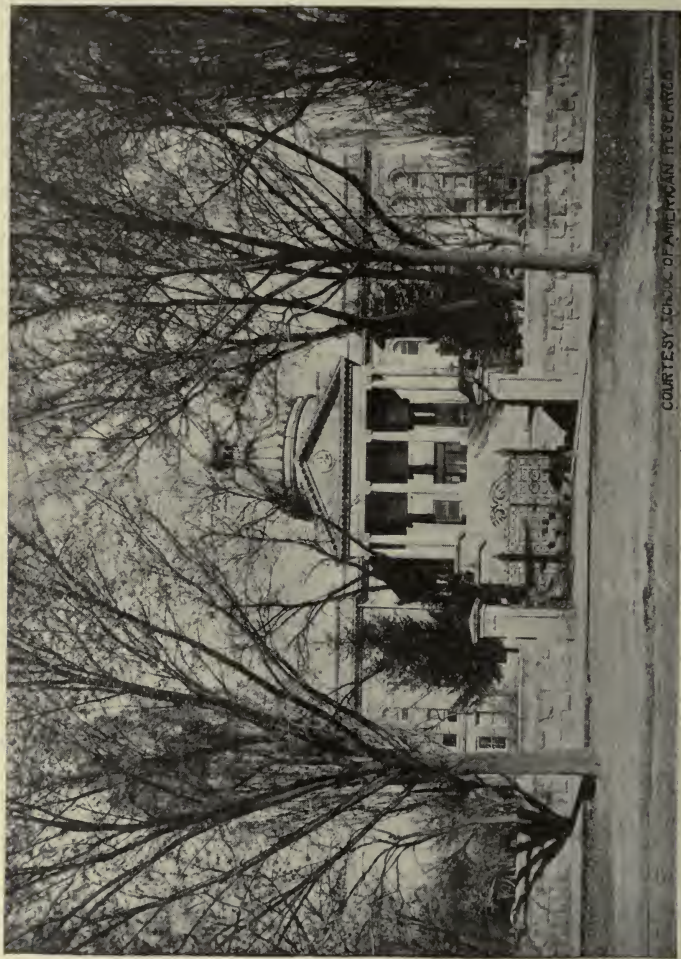
17. Who led the American troops that captured the first German prisoners?

18. How many New Mexicans were in service during the war? What part did the people at home take? What did the State educational institutions do?

19. What showing did the State make in Liberty Loans and other war funds?

PART II

THE GOVERNMENT OF NEW MEXICO



COURTESY, SCHOOL OF AMERICAN RESEARCH

THE STATE CAPITOL, SANTA FÉ

CHAPTER XVI

THE STATE CONSTITUTION AND GOVERNMENT

308. Federal and State Government. — We live under two great systems of government. The *Federal government* deals with foreign affairs and with those large problems of home affairs which are of sufficient importance to the whole people that they should be under uniform laws throughout the country. The *State governments* have for their field the great multitude of everyday affairs, vitally important to the public welfare, but not so general in nature as to call for uniformity throughout the country. Under the authority of the State falls the whole system of local government in counties, cities, towns, and villages. It is with the field of State government that this book deals.

309. The Importance of State Government. — To the average citizen the Federal government seems very important and the State government rather unimportant. That is because the Federal government is very large and powerful and always over us whether we are in Maine or California or Hawaii; whereas the government of any one State extends over a very small area and ceases to affect us as soon as we pass out of the State. Such an impression, however, is incorrect; and a study of the facts will convince any one of the greater importance of the State government in our daily life and business affairs. A complete list of the powers exercised by the government of New Mexico would be a catalog of all our social and business

relationships. State laws regulate marriage and divorce, the legal relations of husband and wife and of parents and children; they control the relations of employer and employee, of principal and agent; they fix contract relations and regulate such important subjects as partnerships, debts, credit, and insurance; they regulate the ownership, use, and sale of property; they control voting, civil and religious rights, and public education; they define crime and provide for its punishment, except only those crimes that are committed against the United States. In short, the laws of New Mexico regulate the chief affairs of every citizen of the State from the time they register his birth or appoint his guardian until they probate his will or divide up his estate fairly among his heirs.

With the principles of this important State government every young citizen should become familiar as a part of his necessary training for the intelligent exercise of the duties of citizenship

310. Admission of the State. — The policy of making certain subjects a matter of compact between the United States and the new State, originating in the Ordinance of 1784, drawn by Jefferson, for the government of western Territories, became effective in the Northwest Ordinance of 1787 and has continued through later American history. In accordance with that long-established custom, the Enabling Act of 1910 required the new State to make in its constitution a compact with the United States, the most important items of which were: (1) to grant complete religious toleration and prohibit polygamy, (2) not to tax the property of non-residents higher than the property of residents nor to tax property of the Federal government at all, (3) to surrender all public lands in the State to the

United States, and (4) to accept the conditions on which all grants of public lands to the State had been made.

311. The State Constitution. — Belief in a written constitution is an Anglo-Saxon tradition that goes far back in history. A constitution is a rigid document that can be changed, not by the government, but only by the people who made it, and is, therefore, the safeguard of the people's rights and liberties. It is the great fundamental law passed by all the people having the right to vote; and the whole government — even the legislature — must obey its commands.

The constitution of New Mexico, ratified January 21, 1911, and effective from January 6, 1912, falls logically into six divisions: —

1. The *Preamble and enacting clause*, in these words: "We, the people of New Mexico, grateful to Almighty God for the blessings of liberty, in order to secure the advantages of a State government, do ordain and establish this constitution."

2. The *Bill of Rights* (Art. II), enumerating a long list of the fundamental rights of citizens, with which even the government may not interfere.

3. The *Organization of the Government* as defined in the Articles on the Distribution of Powers (Art. III), the Legislative Department (Art. IV), the Executive Department (Art. V), and the Judicial Department (Art. VI).

4. A long list of *Miscellaneous Provisions*, many of them more like ordinary statute law than constitutional provisions: Name and Boundaries (Art. I), Elective Franchise (Art. VII), Taxation and Revenue (Art. VIII), State, County, and Municipal Indebtedness (Art. IX), County and Municipal Corporations (Art. X), Other

Corporations (Art. XI), Education (Art. XII), Public Lands (Art. XIII), Public Institutions (Art. XIV), Agriculture and Conservation (Art. XV), Irrigation and Water Rights (Art. XVI), Mines and Mining (Art. XVII), Militia (Art. XVIII), and Miscellaneous (Art. XX).

5. The *Compact* with the United States (Art. XXI) and the Schedule (Art. XXII), providing for the ratification of the constitution and making temporary arrangements for the Territorial government to go out and the new State government to take over its functions.

6. Provision for *Amendments* (Art. XIX).

312. How the Constitution May Be Amended. — No constitution is likely to meet the changing conditions of a State for any long period of time without some modifications. If it is to last very long, there must be some orderly method provided for changing it. This is particularly true where the constitution contains so many details.

Amendments to the State constitution may be proposed at any regular session of the legislature by a majority of the whole number of members elected to each house. They must then be voted on at the next general election or at a special election held not less than six months after adjournment of the legislature, as the legislature may provide. If a proposed amendment is ratified by a majority of the votes cast on it, it becomes a part of the constitution.

There are two important exceptions to this rule: (1) The provisions of the constitution guaranteeing equality of educational opportunity to Spanish-speaking children (Art. XII, Secs. 8, 10) and equality of political rights to persons of Spanish speech (Art. VII, Secs. 1, 3) may be amended only if the amendment is submitted by a three-fourths vote of the total membership of each house of the legis-

lature and ratified by three-fourths of the total vote of the State and by two-thirds of the total vote in every county. (2) The amending clause itself (Art. XIX, Sec. 1) may be changed only by a general constitutional convention called to revise the constitution.

313. Revising the Constitution. — This process of amendment applies only to changing particular details, an article here or a section there. But the time may come when the people will want to revise the whole document or adopt a new one in its place. Such a revision can be made only by a new constitutional convention. The proposition to call a convention at any time prior to 1946 must be agreed to by three-fourths of the total membership of each house of the legislature and approved by a majority of the votes cast on the question at the next general election. After 1946 the proposition may be submitted by a two-thirds majority in each house.

If the required majority of the voters approve the proposition, the next regular session of the legislature will provide for calling a constitutional convention of at least as many delegates as there are members of the house of representatives (forty-nine). Any revision made by this convention or new constitution adopted by it will have no force or effect until submitted to a popular vote and ratified by the people.

REFERENCES

- Constitution of New Mexico.
 Constitution of the United States.
 J. Q. DEALEY, *Growth of American State Constitutions*, 1-115, 139-149, 254-269.
 A. N. HOLCOMBE, *State Government in the United States*, 3-139, 394-400.
 W. B. MUNRO, *The Government of the United States*, 372-414.

P. S. REINSCH, *Readings on American State Government*, 435-464.

Standard textbooks on American Government should be used for reference on all topics discussed in this and the following chapters.

QUESTION FOR DEBATE

Resolved, That we should study our State Government more thoroughly even than the United States Government.

QUESTIONS ON THE TEXT

1. Under what two systems of government do we live? With what problems does each deal?
2. When was New Mexico admitted into the Union? What important matters did the Enabling Act require New Mexico to include in its constitution as a compact with the United States?
3. Why does a State need a written constitution? What are the natural divisions of the constitution of New Mexico?
4. How may the constitution be amended? In what respects is it very difficult ever to change it? How may it be revised?

CHAPTER XVII

CIVIL AND POLITICAL RIGHTS

314. The Constitution of the United States. — The Federal Constitution prohibits either Congress or the State legislature from (1) depriving us of our freedom except as a punishment for crime, (2) passing a bill of attainder against us or punishing us under an *ex post facto* law, or (3) depriving us of life, liberty, or property without due process of law. It also prohibits the State from denying to any one equal protection under the law.

The first ten Amendments to the Federal Constitution are often called the Federal Bill of Rights because they restrict the powers of Congress in so many ways in order to protect the people against governmental interference. They forbid Congress to interfere with religious freedom or with freedom of speech, of the press, or of assembly. "Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted." No person may be punished for crime except after a fair trial by a jury of the county or district. Every one shall be free from unreasonable searches and seizures.

These are priceless rights of freedom; but we must not forget that the limitations expressed in these first ten amendments to the Constitution *apply only to the power of Congress* and do not in any way restrict the action of the State legislatures. The legislature of New Mexico might prohibit Catholic and Protestant worship and make Mor-

monism the State religion supported at public expense without violating the Constitution of the United States — even the First Amendment.

315. The Bill of Rights. — For this reason New Mexico has written into her constitution a long and detailed Bill of Rights for the protection of the people in both their civil and political rights against interference by even the legislature or State officers. The right to vote and the right to hold office are *political rights*. All our other rights are *civil rights*.

1. There shall be complete freedom of speech, of the press, of assemblage (public meeting), of religion; and no religion shall be given any legal preference over another.

2. The people shall be free from imprisonment for debt, from unreasonable searches and seizures or the use of general search warrants, and from punishment by bill of attainder or under an *ex post facto* law.

3. No one shall be deprived of life, liberty, or property without due process of law, that is, without a fair trial in open court according to the laws of the State and Nation.

4. Persons accused of crime must have the privilege of the writ of *habeas corpus* as a means of obtaining a preliminary hearing in court in order to secure their freedom or to get out of prison *on bail* until their trial, unless the evidence tends to indicate that they have committed a capital crime (one punishable with death). If they are bailed out, the amount of their bail bond fixed by the court must not be excessive.

5. And when the prisoner finally comes into court to be tried, the State constitution guarantees him a fair and impartial trial before a jury from the county or district in which the offense was committed. He must have the

right to "defend himself in person, and by counsel" (attorneys), and cannot be compelled to give evidence against himself. Unless the jury is convinced of his guilt, he goes free; but if he is convicted (found guilty), no "excessive fines [shall be] imposed, nor cruel and unusual punishments inflicted" upon him. That is, his punishment must bear a reasonable relation to his offense.

6. Finally, as a protection to the individual against the severest punishment in times of disturbance and intense passion, the constitution goes on to define specifically the only offenses which may be punished as *treason*: "Treason against the State shall consist only in levying war against it, adhering to its enemies, or giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court."

7. This is a very wide field of *civil liberty* under law, which the constitution has staked off for us; but the constitution (Art. II, Sec. 8, Art. VII, Secs. 1, 3) goes further and guarantees our most precious *political rights* against any interference by the legislature, and makes any amendment of these provisions practically impossible. "All elections shall be free and open, and no power, civil or military, shall at any time interfere to prevent the free exercise of the *right of suffrage*." (Art. II, Sec. 8.) "The right of any citizen of the State to *vote, hold office, or sit on juries*, shall never be restricted, abridged, or impaired on account of religion, race, language or color, or inability to speak, read, or write the English or Spanish languages." (Art. VII, Sec. 3.)

316. Freedom of Speech. — Some of the words and phrases in the Bill of Rights are unfamiliar terms or terms

used with special meanings. We must, therefore, try to get a correct understanding of them.

Freedom of speech and the press does not mean that we may say anything we please about other people, but that we may freely discuss public questions, policies of government, the acts of public officials, the record of those who seek to be public officials, and the actions of any other individuals or groups of individuals, provided always that we do it without malice and with the public interest in view. Of course, if we speak falsely and maliciously about others, we are violating the law against slander; if we publish those same falsehoods, we are violating the law against libel; and the constitution will not then save us from punishment.

317. Freedom of Assembly. — Nor does the right of the people to assemble for lawful purposes mean that any number of people may assemble anywhere and any time they please. A gathering of a thousand people on a busy street corner in Albuquerque during working hours to hear some soap-box orator discuss the latest vagaries of socialism might be entirely harmless in itself; but it would certainly obstruct traffic, and the police might require the crowd to scatter or move to some vacant lot, so that busy people might go about their business without hindrance.

318. Religious Freedom. — Every citizen has complete freedom of religious opinion and religious worship, with which the State legislature cannot interfere; nor may the State legislature "establish" any religion or give any preference to one religious organization over another. This does not mean that we may do anything we please in the name of religion. It does not grant freedom for all sorts of *social practices*. The Mormon may freely profess his creed

and worship in his own fashion, but he must not violate the law against bigamy by marrying two wives.

319. Unreasonable Searches and Seizures. — In the years before the American Revolution the colonists had much trouble with the English kings about issuing general search warrants (called “writs of assistance”), which enabled the kings’ officers to search anywhere for anything. That opened the way for abusing the writ by “unreasonable searches and seizures,” and led to the development in American law of the principle that every search warrant must be a special warrant naming a particular place to be searched and particular things to be searched for. This is the protection which the State constitution guarantees.

320. Bill of Attainder. — It was a common custom long ago for legislatures to pass a special act now and then providing for the punishment (usually with death) of some particularly hated political opponent, who had committed no crime for which he could be convicted under the law in open court. Such a legislative act providing for punishment without trial was called a bill of attainder. The Constitution of the United States forbids either Congress or the States to pass a bill of attainder; and the State constitution repeats the prohibition.

321. Ex Post Facto Laws. — An *ex post facto* law is a law applying to acts done before the law was passed, in such way as (a) to prescribe a punishment for an act which was not punishable at the time it was committed, or (b) to increase the punishment for the offense, or (c) to make it easier to convict the accused person. It applies only to *criminal* cases, not to civil actions.

322. Liberty under Law. — We have learned from the study of our civil rights, such as freedom of speech, freedom

of the press, freedom of assemblage, freedom of religion, and freedom from unreasonable searches and seizures, that the very corner stone of free government is *liberty under law*. The purpose of the Bill of Rights is to insure every individual the largest and freest opportunity for his own development and happiness so long as he does not interfere with the rights, liberties, and happiness of others.

REFERENCES

Constitution of New Mexico, Art. II, the Bill of Rights; Art. VII, Elective Franchise; Art. XII, Education.

Constitution of the United States, Art. I, Secs. 9, 10; Amendments I-X, XIII-XV, XVII, XIX.

J. Q. DEALEY, *Growth of the American State Constitutions*, 116-138, 150-159, 270-284.

W. B. MUNRO, *The Government of the United States*, 71-87, 288-298.

QUESTION FOR DEBATE

Resolved, That our civil rights are more important than our political rights.

QUESTIONS ON THE TEXT

1. How does the Federal Constitution protect us from Congress and the State legislatures? Why were the first ten amendments added to the Constitution?

2. Why does each State have a Bill of Rights? What rights are secured to us by the New Mexico Bill of Rights? How is *treason* defined?

3. What is the meaning of the term "freedom of speech"? May people assemble for lawful purposes any time and anywhere they please? Why? Why may not the Mormon marry two wives?

4. What were "writs of assistance"? If you believed that some man had stolen some of your property, how could you have him searched?

5. What is a bill of attainder?

6. What is the difference between civil and criminal cases? To which does the *ex post facto* law apply? What is an *ex post facto* law?

7. In our free government why may we not do as we please?

CHAPTER XVIII

NOMINATIONS AND ELECTIONS

323. The Power of the People. — “ All political power is vested in and derived from the people ; all government of right originates with the people, is founded upon their will, and is instituted solely for their good.”

This statement of the popular basis of free government, taken from the Bill of Rights in the State constitution, makes it clear that the will of the people as expressed at elections is the supreme power in the State, subject only to the Constitution of the United States. The people may change the qualifications for voting, change the constitution, or even abolish it and put a new one in its place.

324. Nominations. — The process of selecting public officials goes through two separate and distinct stages — nomination and election.

The nomination of candidates for office is a party affair, not yet regulated by the laws of the State, but conducted according to certain fairly well-defined customary rules of procedure followed by each political party. In general it is somewhat after the following fashion. The leaders of a party in each precinct hold a caucus in the latter part of the summer before the November elections and choose delegates to a county convention. The county convention composed of these precinct delegates selects delegates to the State convention of the party. The State convention adopts a “ platform,” setting forth the party principles

and the issues of the coming campaign, praising its own achievements and denouncing the record of the opposing party, and nominates the party ticket of candidates for State and National offices. A few weeks later another convention in each county nominates its "ticket" of county officers and members of the legislature.

Sometimes these platforms contain "planks" intended especially to catch a few doubtful voters, but which the party has no intention of living up to — "planks" which some one has said are made to climb in on, but not to stand on when once in office. Such practices deserve the severest punishment the voters can give.

In presidential election years the process is slightly different. County and State caucuses and conventions are held in the spring with but little business except to take stock of the party's condition and prospects and to select delegates to the National convention. Then in the fall, when the National convention is over, new conventions meet to nominate county, State, and district candidates.

Delegates to district conventions for the nomination of district judges, district attorneys, and members of the legislature from districts including more than one county are selected in the same way as delegates to the State convention.

325. The Campaign. — From the nominating conventions until election day is the exciting period of the year. The State convention of each party puts the financing and management of its campaign in the hands of a State central committee under the leadership of a chairman who becomes its active manager. He begins a "campaign of education" to show why all good citizens should support the principles and candidates of his party. He arranges speaking tours

by his candidates and other "spellbinders" of the party, sends party literature broadcast over the State, and organizes an elaborate system of publicity through the daily and weekly newspapers. His arguments are addressed primarily to the independent voters, for he well knows that the only argument necessary for those who "vote it straight" is a sufficient appeal to their prejudices to get them to the polls on election day.

326. Campaign Expenses. — There are legitimate uses for considerable sums of money to carry on a proper campaign of publicity and information concerning candidates and party issues; but unfortunately some unscrupulous politicians and business interests are ready to spend money dishonestly in order to get into office or to get their friends in. To discourage this abuse and keep elections as clean as possible the laws of the State forbid any candidate to contribute or spend for campaign purposes (except his own traveling expenses) more than ten per cent of the annual salary of the office he is seeking, and require him to file a sworn statement of his campaign expenses ten days before the election. Then within thirty days after the election the treasurer of every political committee, State, county, or otherwise, must file with the county clerk a complete statement of all funds received and paid out by him during the campaign.

327. The Independent Voter. — In some counties of the State the parties are so uneven in strength that the hidebound partisan who votes a "straight ticket" controls in every election. This is notably true in some of the Democratic counties on the east side and of the Republican counties of the north and west. But fortunately in the State as a whole the voting strength of the two great

parties is so evenly divided that the independent voter generally holds the balance of power. Every good citizen should study carefully the issues in each election and the personal record of each candidate in order that he may serve the State by voting intelligently; for the casting of an honest and intelligent ballot is not only a high privilege, but one of the sacred duties of good citizenship. Good citizens have no moral right to be slackers and stay away from the polls and allow the most unscrupulous elements of society to control the government of the State.

328. The Election. — A *general election* is held on Tuesday after the first Monday in November of every even-numbered year. Sixty days before each general election the county commissioners appoint a registration board of three members (not more than two from the same political party) in each precinct in the county to “register” or make an official list of the qualified voters in the precinct or election district. This registration of voters is a wise precaution against dishonest persons voting several times in different precincts.

The commissioners also appoint judges of election in the same way; and the county clerk furnishes ballot boxes, poll books, and printed tickets for all parties at county expense. On election day the polls are open from nine o'clock in the morning until six in the afternoon. During that time the party workers devote their energies to getting out the fullest possible vote.

When the voting is finished, the election officers count the vote of the precinct and transmit the result, with the ballot box and one poll book, to the county clerk, and send a similar report, with the other poll book, to the secretary of state at Santa Fé. The county commissioners act as a

county canvassing board and in turn report the vote of the whole county for all district, State, and National officers to the State canvassing board at Santa Fé, composed of the governor, the secretary of state, and the chief justice of the State Supreme Court. This board makes the official count and announces the result for the State.

329. United States Senators, Congressmen, and Presidential Electors. — United States senators, representatives in Congress, and presidential electors are nominated and chosen at the general elections in exactly the same manner as State officers. In case of a vacancy in our representation in the United States Senate the governor fills it by appointment until the next election, when a senator will be chosen for the unexpired term. The presidential electors meet in Santa Fé and cast their ballots for President of the United States on the second Monday in January after their election.

A vacancy in this "electoral college" is filled by a person chosen by the remaining members. If they fail to do it, the governor appoints an elector nominated by the chairman of the State central committee of the party to which the absent member belonged.

Congressmen are chosen at every general election. Presidential electors are chosen every four years — in the years exactly divisible by four. United States senators with six-year terms are chosen at the general election in November before a senator's term expires in March.

330. The Plurality Rule. — The law provides that in all elections the person having the highest number of votes (a plurality) for a given office shall be declared elected. This plurality rule avoids the failure of election and consequent necessity for a new election that might

frequently occur when there are more than two candidates for the same office and the vote is close, if an absolute majority were necessary to elect. Only in case of a tie can there be a failure to elect; and then if it is a State office, the two houses of the legislature sitting together will elect by joint ballot one of the candidates having the highest number of votes.

331. Who May Vote. — The State makes no distinction of race, language, or religion. Every citizen of the United States twenty-one years of age, who has resided in the State twelve months, in the county ninety days, and in the precinct where he wishes to vote thirty days next preceding the election may vote at any and all elections held under the laws of the State.

332. Who May Not Vote. — The privilege of a voice in our government is a premium set on intelligence and good citizenship. It is, therefore, denied to idiots, insane persons, and persons convicted of a felonious or infamous crime, unless restored to political rights. Indians not taxed are also excluded — the only case of race distinction in the qualifications for voting.

Then there is the whole class of people who are *not citizens* of the United States who have no right to any voice in our government — and never should have unless they love our country enough to become citizens and swear allegiance to its laws and government. But they can remove their disqualification by becoming naturalized citizens. Even persons who have served terms in the penitentiary may be restored to full political rights by special action of the governor.

333. Citizenship. — “All persons *born* or *naturalized* in the United States, and subject to the jurisdiction thereof,

are citizens of the United States and of the State wherein they reside.”

Most of the people living in the State are citizens of the United States by birth. Those who are not citizens by birth may become citizens by *naturalization*. To do this they must (1) go before a State district court or a Federal court and renounce allegiance to the country from which they came and declare their intention to become American citizens; and (2) at least two years later go into court again, swear allegiance to the United States, and secure full citizenship. This second step cannot be taken until they have been residents of the United States at least five years. Orientals (Chinese, Japanese, and some others) cannot be naturalized.

Every citizen of the United States who resides in New Mexico is a citizen of the State.

334. Woman Suffrage. — Under the State constitution women were allowed to vote only in school elections, but not at general elections; and the franchise provisions (Art. VII, Secs. 1, 3) were made so nearly impossible of amendment that full woman suffrage could hardly have been hoped for by State action in the next generation. All this, however, has been changed by the Nineteenth Amendment to the Constitution of the United States (1920) granting to women the right to vote on terms of entire equality with men. This, and this only, gives us “universal suffrage.”

REFERENCES

Constitution of New Mexico, Art. VII, Elective Franchise.

Platforms of the different parties in recent State and National elections.

Sample ballots used by the different parties in your county.

New Mexico Statutes Annotated (Code) of 1915, Chapter XXXII, Elections; Session Laws of later dates.

A. N. HOLCOMBE, *State Government in the United States*, 143-239.

W. B. MUNRO, *The Government of the United States*, 473-488.

P. S. REINSCH, *Readings on American State Government*, 364-434.

QUESTION FOR DEBATE

Resolved, That the independent voter is a more valuable citizen than the man who "votes it straight."

QUESTIONS ON THE TEXT

1. How is the nomination of candidates for office carried on? Is it always the same?
2. Into whose hands is the campaign placed? What are his principal duties?
3. How are campaign expenses regulated in New Mexico?
4. When is the general election held? How is it carried on?
5. Who compose the State canvassing board? What is its duty?
6. How are United States senators, representatives, and presidential electors chosen?
7. What is the difference between a majority and a plurality?
8. Who may vote in New Mexico? Who is barred from voting? May aliens vote? Why?
9. When and how did the women of New Mexico obtain the right to vote?

CHAPTER XIX

THE STATE LEGISLATURE

335. Composition and Sessions. — The State legislature is composed of the Senate and House of Representatives. The Senate has twenty-four members; the House, forty-nine.

Regular sessions of the legislature are held every two years and cannot exceed sixty days in length. They begin on the second Tuesday in January after each general election; that is, in the odd-numbered years. Special sessions may be called by the governor at any time when in his judgment the public interest may require such action. But a special session cannot continue more than thirty days, nor transact any business except such as relates to the specific purposes mentioned by the governor in his proclamation calling the session. All sessions must be held at the State capital and must be open to the public.

336. Legislative Districts. — For choosing members of the legislature the State is divided into twenty-four senatorial districts and thirty representative districts (Art. IV, Sec. 41). In general each county is a district, but certain groups of counties have been joined together in such fashion that the same county is included in two or even three districts. For example, San Miguel County is in the first, second, and third senatorial districts; and Socorro County is in the thirteenth, fourteenth, and fifteenth dis-

tricts. Such districting of a State, if done to gain some partisan advantage, is known as gerrymandering.

The constitution *permits* a redistricting of the State for representation in the legislature once every ten years, — by the first session of the legislature after the publication of each census, — but does not *require* that such reapportionment shall be made.

337. Qualifications of Members. — Members of the legislature must be citizens of the United States and qualified voters of the district in which they are elected, and must have been residents of the State for at least three years next preceding their election. This excludes from the legislature all foreigners and temporary residents. A further disqualification, which does not apply at the time of election, is that no legislator shall at the time of going into office hold any county, State, or National office, except that of notary public or an unpaid office in the State militia. Representatives must be at least twenty-one years old and senators twenty-five. The requirement that legislators must be voters disqualified women prior to the passage of the Nineteenth Amendment to the Federal Constitution.

338. Privileges and Disabilities of Members. — In order that members of the legislature may have entire freedom of speech and action while performing their duties, it is important that they should be free from interference by either individuals or other branches of the government. The Constitution, therefore, wisely grants them *freedom from arrest* during sessions of the legislature, and while going to and returning from such sessions, except in cases of treason, felony, or breach of the peace. It likewise grants them *freedom of speech* in the legislative halls, and forbids

legal action against them for any speech made or vote cast on any measure under consideration.

Members may not be appointed to any other office in the State. Nor may they be appointed to any office created during their term, nor profit by any contract authorized, for at least a year after the expiration of their term as members of the legislature. And as a check on undue railroad influence, they are forbidden to ride on a pass or to accept transportation on terms not open to the general public.

339. Compensation and Term of Office. — Members of the legislature receive five dollars "for each day's attendance" and traveling expenses at the rate of ten cents a mile for the distance traveled in going to the capital and returning home by the usually traveled route once each session. They are forbidden to receive any other compensation.

Representatives are elected for a term of two years and serve in only one regular session unless they are re-elected. Senators have a term of four years, and thus serve in two regular sessions; yet they are all elected at one time, their legislative organization breaks up at the close of each session, and at the beginning of their second session they must reorganize just as if they had never assembled before. This nullifies the very reason for the longer term and violates the general American principle that when the upper house of a legislature has a longer term than the lower, it should be a continuing body, only part of its members going out of office at a time.

A constitutional amendment providing for half of our senators to go out of office every two years would greatly improve the quality of the Senate's work by having at least twelve experienced men in every session.

340. Filling Vacancies. — When a vacancy occurs in the legislature, it is filled by a special election in the district to which the vacated seat belongs. Such an election is called, and the date for holding it fixed, by the governor. These special elections may frequently occur for members of the Senate, whose term is four years; but, as members of the House are elected for but two years and serve in only one regular session, it is seldom necessary to fill vacancies in that body unless a special session of the legislature is to be called.

341. Powers and Duties of the Separate Houses. — Each house regulates its own affairs in accordance with the provisions of the State constitution. Each elects its own officers, except the presiding officer of the Senate, makes its own rules, disciplines its own members even to the extent of expulsion, keeps its own *Journal*, and decides all contests between persons claiming to have been elected to its membership. These contested elections are frequently settled on partisan grounds, the contestant who belongs to the dominant party being seated regardless of the merits of the case. Such abuses should not be tolerated.

The House of Representatives has the sole power to impeach State officials. The Senate is the court before which all impeachments are tried. If the governor or lieutenant governor is impeached, the chief justice of the Supreme Court presides at the trial. The Senate's approval is also necessary for most regular appointments made by the governor.

Impeachment means the formal accusation brought against an officer by the House. When the House makes its formal charges against an officer before the Senate, he is *impeached*. Whether or not he is to be *convicted* remains to

be determined by the trial. The vote of two thirds of the total membership (sixteen members) of the Senate is necessary to convict. All State officers, both executive and judicial, and district judges are liable to impeachment "for crimes, misdemeanors, and malfeasance in office." This does not include members of the legislature, who, in a limited sense, are not State, but district officers. If an impeached officer is convicted, the Senate may dismiss him from office and disqualify him for holding any office or voting in the State.

One bad feature about our impeachment procedure is that the mere fact of impeachment forces an official out of office until he is acquitted. It violates the sound principle of law followed in Federal impeachments, by presuming the officer guilty until he proves his innocence. The presumption should be that he is innocent unless he is proved guilty.

342. Powers of the Legislature. — The Constitution of the United States, Federal statutes and treaties, and the constitution of New Mexico are the supreme law of New Mexico; and the State legislature must not pass any act in conflict with them. If it does, the courts will declare that act unconstitutional, that is, contrary to the constitution and, therefore, not law. On the other hand, all powers not delegated to the Federal government by the Constitution of the United States nor denied by it to the States are reserved to the States. These powers, as we have seen (sec. 309), are so extensive as to include most of the everyday affairs of life. They are, in fact, so extensive that the people have forbidden the legislature to exercise some of them.

343. Limitations of the Legislature's Power. — For these

restrictions we must look to the State constitution. The most important of them have already been explained in the section on the Bill of Rights. Others forbid the legislature to pass local or special laws concerning court procedure, the punishment for crime, collection of taxes, management of the public schools, granting divorces, changing county seats, incorporating cities, towns, or villages, or incorporating or licensing business enterprises. And to make this prohibition of local and special legislation as full and complete as possible the constitution adds: "In every other case where a general law can be made applicable, no special law shall be enacted." The established rule, then, is that our laws shall be general in nature, not applying to a single individual or to a few persons only or to a single locality.

344. Organization of the Legislature. — On the first day of each session the House of Representatives is called to order in its hall in the Capitol at Santa Fé by the secretary of state. After the roll call of members, the House proceeds to the election of a speaker, who will be its permanent presiding officer. The secretary of state then retires; the speaker takes the chair; and the House continues the work of organization by the election of a chief clerk, sergeant at arms, and numerous minor officials and employees, such as stenographers, messengers, door-keepers, and others. On the chief clerk rests the responsibility of keeping the *Journal*, an accurate official record of everything that takes place during the sessions of the House. The sergeant at arms assists the speaker in maintaining order, and, when ordered by the House, brings in enough absent members to make a quorum (twenty-five).

The organization of the Senate takes place at the same

time and in much the same manner as that of the House of Representatives. The most noticeable difference is that the lieutenant governor, who is *ex officio* president of the Senate, calls that body to order and acts as its permanent presiding officer. A president *pro tempore* (temporary) is elected by the senators from among their own number to serve as presiding officer when the lieutenant governor is absent. A chief clerk and other officials and employees are chosen in the same manner and for the same purposes as in the House of Representatives.

With the process of organization complete in both houses, the legislature is ready to hear the governor's annual message and begin the work of making laws.

345. Legislative Committees. — But we must not overlook the important committee system through which they work. Each house has its members divided into a great many committees in order to save time and give an opportunity for more careful consideration of bills. Many bills, particularly those relating to railroads and other corporations, are long and complicated. For each house as a whole to give proper consideration to the details of such bills, along with the large volume of other business, would be impossible. Only the smaller committees can do that.

The most important committees are those on appropriations, corporations, education, elections, finance, and the judiciary. These committees are selected in such manner as is prescribed by majority vote in each house — usually elected in the Senate, where the lieutenant governor is the presiding officer, and appointed by the speaker in the House of Representatives. The chairman and a majority of the members of each committee belong to the dominant party.

346. How Laws Are Made. — As lawmaking bodies the two houses have equal powers. Any bill may originate in either house and must be passed by both before it becomes a law. When a bill is introduced in either house, the presiding officer ordinarily refers it at once to the proper committee, though it may be passed without being “referred” if the house so desires. The committee examines it when the house is not in session and later reports it back to the house favorably or unfavorably, and sometimes with proposed amendments. Or it may be “killed in committee,” that is, never reported at all. The speaker of the House frequently refers bills that he does not want to pass, to a committee which he knows to be unfriendly to them in order to have them “killed in committee.”

When a bill is returned, the committee’s recommendation that it pass or fail is in no way binding, though it is usually adopted because the majority of the committee represents the majority party in the house to which it belongs.

347. The “Three Readings.” — Every bill must have three “readings” in each house before it becomes a law. Any member may introduce a bill and have it laid on the chief clerk’s desk. When the chief clerk numbers it properly and announces its title, that is its “first reading.” The presiding officer then refers it to the proper committee. Usually it is printed and distributed to the members immediately upon its introduction. When it is reported out of the committee, it is again read by its title with the committee’s recommendation for its passage or failure. That is its “second reading.” Again it passes without discussion or debate and takes its proper place on the “third reading” file. Then, when it is reached for final considera-

tion, it is up for regular debate and amendments. This "third reading" must be a reading of the entire bill; and on final passage the roll must be called and the vote of every member present recorded. To pass, it must receive the approval of a majority of the members present.

If the bill passes, it is then sent to the other house to have substantially the same process repeated, except that it is not reprinted.

Resolutions¹ pass in much the same manner as bills except that there need be only one "reading" and no roll call, though resolutions proposing constitutional amendments must pass by a majority of the total membership of each house on roll call.

348. The Governor's Approval or Veto. — When a bill has passed both houses, it then goes to the governor for his approval or veto. If he approves it, he signs it and deposits it with the secretary of state. It then becomes law. But if he disapproves a measure — *veto*es it — he returns it to the house in which it originated, with a statement of his objections, called a veto message. It may still be passed over his veto by a two-thirds majority of the members present and voting in each house and become law without his signature. Or, the bill may become "law by limitation" without his signature if he keeps it more than three days besides Sundays without either signing or vetoing it; except that he has six days after the adjournment of a session in which to sign or veto the many bills that pass and come to him during the last three days of the session. All of these bills that he does not

¹A *resolution* is a formal expression of the legislative will in incidental matters not properly covered by statutes, or of legislative opinion on questions of policy, or of legislative approval or disapproval of public acts. A *joint* resolution requires the action of both houses; a *concurrent* resolution is one passed in the same words by each house acting independently.

sign and deliver to the secretary of state have been killed by a "pocket veto."

349. Adjournment. — During a session of the legislature neither house may adjourn for more than three days (Sundays excepted) without the consent of the other; and final adjournment of both houses at the close of a session must take place at noon on a day agreed upon by joint resolution. In the event of the two houses failing to agree on a day there is no provision for adjournment; but the constitution says that "no regular session shall exceed sixty days," and that "no special session shall exceed thirty days." It is reasonable, therefore, to conclude that any regular session would expire by legal limitation at the end of its sixty-day term and that a special session would be terminated in the same way at the end of thirty days. Laws passed after the expiration of these periods fixed by the constitution would be invalid.

350. When Laws Go into Effect. — The general rule is that laws go into effect ninety days after the adjournment of the legislature; but there are two important exceptions: (1) general appropriations bills go into effect as soon as passed and signed, and (2) any law for the "preservation of the public peace, health, or safety" will take effect immediately if the legislature specifically declares it an emergency measure.

351. Publication of the Laws. — At the close of each session of the legislature the secretary of state publishes in book form all the laws passed by it and sends copies of these "session laws" to the governor, members of the legislature, other State and county officers, the courts, and the various State institutions. All this takes time; and long before the work is through the press and ready

for distribution the newspapers of the State have given the people some idea of the contents of the most important laws, chiefly through their daily and weekly issues while the bills are before the legislature and by general summaries at the close of the session.

352. Laws Not Made by the Legislature.—Laws passed by the legislature are called State statutes or session laws; but there are many laws in force in the State that were not passed by the legislature. The Constitution of the United States, Federal laws and treaties, and the State constitution are good examples. There is also another great body of law in force, which is not the result of legislative action, but which is the product of the long historical development of the Latin and Anglo-Saxon peoples.

1. The *Spanish-Mexican Civil Law*, as developed in the ancient Roman Empire and modified by local conditions in Spain and Mexico, was in force here at the time of the American Occupation and continued as the rule of practice and decision in the courts of the Territory, unless there was some statute covering the case, until 1876, when the Territorial legislature, in order to harmonize our basic law with that of the other American States, adopted the English Common Law. Since that time little of the Civil Law of Spain and Mexico remains in force in the State except as its principles and rules have been embodied in our statutory law.

2. The *English Common Law*, as modified by American historical development, was adopted in 1876 as the rule for both decision and court procedure in all cases not specifically provided for by statutory law. It consists of the great body of principles and rules of civil conduct

which originated in the common wisdom and experience of society, became in time established customs, and finally received judicial sanction in the decisions of English and American courts. Because it is not to be found in constitutions and statute books it is frequently spoken of as the "unwritten law." But we must avoid the mistake of thinking that all ancient customs are part of the Common Law merely because they are ancient. No custom however ancient is part of the Common Law unless the courts apply it and enforce it in the decision of cases.

353. The Referendum. — When laws derive their binding force not from the authority of the legislature or other representative body but from the will of the people as expressed at the polls, they are said to be made by direct legislation. We have the referendum, which gives the people a final voice on certain laws passed by the legislature; but we do *not* have the initiative, which would allow the people to initiate or propose laws. New Mexico and Maryland are the only States that have the referendum without the initiative.

The general rule of the constitution is that a referendum vote may be had on any law passed by the legislature except (1) general appropriation laws and laws providing for the payment of the public debt or interest on it, (2) laws for the preservation of the public peace, health, or safety, (3) laws for the maintenance of the public schools or State institutions, and (4) local or special laws.

The referendum may be applied only to laws passed at the last session of the legislature. It may either suspend the operation of a law until it is approved by the people or merely bring to a vote a law that has already gone into effect. (1) If a new law is so unpopular that within the period

of ninety days before it goes into operation (sec. 350) petitions are signed by twenty-five per cent of the voters in three-fourths of the counties and twenty-five per cent of the whole State and filed with the secretary of state, the law will not become effective until it has been submitted to popular vote. This is the *suspensive referendum*; that is, it suspends the law until approved by the people. Or (2) the law may go into operation and still be annulled by a referendum vote. If ten per cent of the voters in three-fourths of the counties and ten per cent of the whole State petition for a referendum on a law any time up to four months before the next general election, the law shall be submitted to the people at that election.

In either case the election procedure and results are the same. If a majority of the votes cast on the law are against it, it will be annulled and the law of the State will be the same as if it had never been passed, provided the number of votes cast against it is at least forty per cent of the total vote at that election (for governor, congressmen, and others). On the other hand, if a majority is for the law, or if the number against it does not amount to forty per cent of the total, the law stands, if it is already in operation; and if it is one whose operation has been suspended, it goes into effect as soon as the result of the election is announced by the State canvassing board.

The constitution makes the process so difficult that no serious effort to use it is likely to be made. States that have a workable referendum usually require referendum petitions to be signed by not more than five per cent of the voters, without any three-fourths-of-the-counties limitation, and let laws stand or fall on their own merits, without the forty-per-cent-of-the-total-vote requirement.

354. Representatives in Congress. — Since we live under Federal law as well as State law it is proper that we should be represented in the Congress of the United States. New Mexico has one member in the House of Representatives elected from the State at large for a term of two years, and two senators elected in the same way for a period of six years, one senator being elected at a time. A vacancy in the House is filled by a new election ordered by the governor; a vacancy in the Senate, by the governor's appointment until the next election, when a senator will be elected to fill the unexpired term. Both senators and representatives receive a salary of \$7,500 from the United States treasury.

REFERENCES

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 W. B. MUNRO, *The Government of the United States*, 415-430, 501-521.
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QUESTIONS FOR DEBATE

Resolved, That all sessions of the legislative committees should be open to the public.

Resolved, That the constitution should be amended to include the initiative and a more workable referendum.

QUESTIONS ON THE TEXT

1. What bodies compose the State legislature? How many members has each? What are their qualifications? What privileges have they?

2. What is "gerrymandering"?

3. Who is the representative from your district? The senator? What compensation do they receive? How long do they hold office?

4. What advantages would be gained by having the Senate a continuing body?

5. What special powers has each house? Who presides if the governor is impeached? Just what does the term *impeachment* mean?

6. What are the general powers of the legislature? How are they limited? How often are regular sessions held? When?

7. Who calls to order the House of Representatives? What officers are elected? Who presides? How is the Senate organized? Who presides?

8. What is the function of legislative committees? How are they chosen? Why is the method different in the two houses?

9. Trace a bill through both houses. How may a bill be passed over the governor's veto? What is a "pocket veto"?

10. When do laws go into effect? What laws not passed by the legislature are in force in the State?

11. What is the referendum? The initiative? Why is the referendum in New Mexico difficult to use?

12. How many members has New Mexico in each house of Congress? Who are they?

CHAPTER XX

THE STATE EXECUTIVE DEPARTMENT

355. Composition. — The executive branch of the State government consists of the governor, lieutenant governor, secretary of state, auditor, treasurer, attorney general, superintendent of public instruction, and commissioner of of public lands.

356. Qualifications, Term of Office, and Salaries. — They must all be citizens of the United States, at least thirty years of age, and residents of the State for the five years immediately preceding their election. The attorney general must be a lawyer licensed to practice in the State; and the superintendent of public instruction must be a “trained and experienced educator.”

They are all elected for a term of two years and may succeed themselves one time; but after two consecutive terms they are ineligible to hold *any State office* for a period of two years. The lieutenant governor, who may succeed himself indefinitely, is an exception to this rule.

The governor receives a salary of \$5,000 a year; the attorney general, \$4,000; and each of the others, \$3,000. These salaries, with the very short terms, are too low to attract the best men. But any time after January 6, 1922, they may be increased by the legislature without the necessity for a constitutional amendment.

I. THE GOVERNOR

357. Executive Powers and Duties. — The governor is the head of the executive branch of the State government. On his shoulders rests the responsibility of seeing that the laws of the State are enforced and peace and order maintained. To do this effectively he possesses extensive legal powers, besides the large influence that naturally goes with his high office. He is commander in chief of the State's military forces except when they are in the service of the United States. If rioting breaks out in any part of the State, or there is danger of lynching, or any other disorderly elements seem likely to get beyond the control of local officials, it is the duty of the governor to call out the National Guard or, if necessary, the entire State militia¹ to preserve the peace and execute the laws or to repel invasion.

For example, when the coal miners' strike became general in the fall of 1919 and disorders in the mining districts seemed likely to endanger life and property, Governor Larrazolo declared those regions under martial law; and if Federal troops had not been available for service in the districts, it would have been his duty to call out the National Guard or the State militia to preserve order.

Another large element in the governor's control of public affairs lies in his appointing power. All officers whose election or appointment is not otherwise specifically provided for by the constitution and laws are appointed by the governor with the consent of the State Senate. They may also be removed by the governor without consulting the Senate. These officers and boards are very numerous and their terms comparatively short, thus giving each governor

¹ The *militia* consists of all able-bodied male citizens between eighteen and forty-five years of age; the National Guard means only the organized militia.

a large opportunity to serve the State by appointing many expert and efficient officers or to build up a personal political machine by appointing his party henchmen, according as he happens to be a statesman or merely a scheming politician.

The governor also signs all official commissions issued by the State and fills by appointment any State offices that may become vacant, except the office of lieutenant governor or member of the legislature. Such appointments are good until the next general election.

358. Judicial Powers. — While a criminal case is pending in court the governor has nothing to do with it; but after the criminal has been convicted and sentenced, the governor may then intervene and delay the execution of the death sentence, or change the death sentence to life imprisonment, or even pardon the prisoner outright and restore him to full political rights. He cannot pardon a person convicted of treason or an officer convicted on impeachment.

The pardoning power should seldom be used except where *new* evidence of a convicted person's innocence has been discovered since his trial. Otherwise the will of the governor and not the law of the State would become the measure of justice.

359. Legislative Functions. — Under the constitution the governor is the official advisor of the legislature as to the conditions and needs of the State. Through his regular message at the opening of each legislative session he presents these conditions and needs to that body. He may then urge them one at a time in a series of special messages as the session goes on, backed up by personal conferences and pressure on the influential members of the legislature, especially of the important legislative committees. The regular message is frequently a formal

affair, and it is through the special messages and personal work that a powerful governor is most likely to get results. All this is a matter of personal, political, and official influence.

In the use of the veto, however, the governor has actual legal power. It may be applied to a whole bill or to individual items in an appropriation bill. Such vetoed bills and parts of bills can then become law only by being passed over his veto by a two-thirds vote in each house.

The governor's power to call a *special session* of the legislature is particularly important. The very fact of the legislature's being called together in an extra session to consider specific measures mentioned in the governor's proclamation focuses public attention on those measures and adds great weight to his recommendations that they be enacted into law.

But the greatest of all the governor's legislative powers is proposed in a constitutional amendment submitted in 1921 empowering him to submit to each regular session of the legislature a complete budget of revenues and expenditures for the next two years, accompanied by a "general appropriation bill." The legislature may reduce or strike out items from this bill but cannot otherwise amend it except as to the judicial department, where it may increase items.

360. The Lieutenant Governor. — In case of a vacancy in the office of governor because of the governor's absence from the State or any other disability to perform the functions of the office, the lieutenant governor succeeds to all the powers and duties of the office and also receives the salary until the governor returns. If the governor dies, the lieutenant governor becomes governor for the unexpired

term. Otherwise he has no executive powers or duties assigned to him by the constitution.

His only regular function is legislative: he is *ex officio* president of the Senate, but has no vote except in case of a tie, when he has a "casting vote" to break the tie. While serving in this capacity he receives ten dollars a day with the same mileage allowance as members of the Senate.

In case of the death or absence of both the governor and the lieutenant governor, the secretary of state becomes governor; and after him the president *pro tempore* of the Senate.

II. OTHER EXECUTIVE OFFICERS

361. Lack of Unity. — The governor is only the chief officer of the executive department. In it are many other officers elected by the people and neither responsible to the governor nor in any sense forming a cabinet of advisers and assistants in carrying out a unified executive policy. This condition is doubtless a historical product of the long controversy in American colonial history between the popular assemblies and the royal governors, in which the assemblies gradually developed a set of officers of their own to control many of the executive affairs of the colony in order to keep them out of the royal governor's hands. Whatever may be its origin, the custom has outlived its usefulness, but is still common in the American States.

362. The Secretary of State. — The constitution requires the secretary of state (1) to keep the "Great Seal of the State of New Mexico" and affix it to all commissions signed by the governor, and (2) to serve as governor when both the governor and lieutenant governor are absent or unable to perform the functions of the office. His most

important duties, however, are not enumerated in the constitution: he is (3) the official keeper of the executive and legislative records of the State. Every important official act of the governor is recorded in the secretary's office; and the journals and other official records of both houses of the legislature, all bills and resolutions introduced and laws passed are filed for record and safekeeping in his office. (4) It is his duty to publish and distribute the laws passed by each session of the legislature. (5) He performs many other duties of a miscellaneous character, such as issuing automobile licenses.

363. The State Auditor. — The important business of handling the State's finances in such way that no one will get public money who is not entitled to it and that no money shall be paid out except in strict accordance with the provisions of appropriation measures and other laws is in the hands of the auditor, whose voucher must be issued for all moneys to be paid out of the State treasury.

364. The State Treasurer. — The treasurer acts as a sort of banker to receive the State's revenues and pay them out on the auditor's warrants (orders). The treasurer and auditor act as a check on each other in the accounting and financial system of the State.

365. The Attorney General. — It is the duty of the attorney general to give legal advice to the various officers and boards of the State government and to represent the State in court whenever the State is a party to any important legal controversy. His advice to the various departments is given in the form of "opinions" on specific points of law. These "opinions" published each year, form an official commentary on many of the most important phases of State law, though they are not final interpreta-

tions and binding on the public as are decisions of the courts.

366. The Superintendent of Public Instruction. — The powers and duties of the chief educational officer are discussed in the chapter on The Public School System (sec. 389) and do not need further study here.

367. The Commissioner of Public Lands.¹ — The State owns more than twelve million acres of lands granted by Congress or secured in other ways. Most of these lands are held by the State in trust for the public schools, the State institutions, and other purposes for which they were granted. The proper administration of this princely estate belonging to our children calls for a man of both ability and integrity: for it is the land commissioner's duty to "select, locate, classify, and have the direction, control, care, and disposition of all public lands, under the provisions of the acts of Congress relating thereto and such regulations as may be provided by law" of the State.

368. The State Corporation Commission. — The officers already named — governor, secretary, auditor, treasurer, attorney-general, superintendent of public instruction, and commissioner of public lands — are described by the constitution as making up the "executive department"; but the State corporation commission properly belongs in the same group because its members are elected by the people and have primarily executive functions. It issues all charters to corporations in the State and grants licenses to outside corporations to do business in the State; and its office is the record office for charters and every other kind of papers concerning corporations. It has general supervision over the rates and service of railroad, express, telephone, telegraph, and sleeping car companies, and works

¹ A constitutional amendment submitted in 1921 abolishes this office and creates a bipartisan State Land Commission of three members appointed by the governor for terms of six years, one term expiring every two years.

in coöperation with such Federal agencies as the Interstate Commerce Commission in the regulation of these public service corporations.

The commission consists of three members elected for terms of six years, one commissioner being elected at every general election. It is, therefore, a continuing body with two old members always holding over. The commissioners receive a salary of \$3,000 a year each and may succeed themselves indefinitely.

Prior to 1880 each corporation was organized by a *special* act of the legislature. In that year the first *general* incorporation law was passed, under the terms of which any group of persons might form a corporation by complying with the provisions of the law. Now all corporations must be formed under the general incorporation laws of the State.

369. Officers Appointed by the Governor. — The executive officers whose duties we have been studying thus far are elected by the people; but those who are *appointed* by the governor are much more numerous. The following are some of the most important:

The *State Board of Public Welfare*, composed of five members appointed for terms of six years, is a continuing body, not more than two of its members being appointed each two years. Its work is conducted through a bureau of child welfare and a bureau of public health, each under a trained director appointed by the board.

The *State Tax Commission* is charged with the duty of (1) equalizing assessments in the different counties so that the same kind of property may pay the same rate of tax all over the State, (2) helping to get all the taxable property of the State actually on the tax rolls, and (3) assessing

all mining property and all railroads, telegraphs, telephones, and other public service corporations operating in more than one county.

The duties of the *State Board of Education* and the *State Educational Auditor* have been explained in the chapter on The Public School System (secs. 388, 399).

The *Board of Medical Examiners* has charge of the licensing of physicians.

The *Traveling Auditor* is the expert accountant who supervises the accounting systems and financial records of the various counties and institutions. He is appointed for a term of five years and is removable only for official misconduct.

The *Bank Examiner* keeps check on the condition of the banks organized under State law (all except National banks) and sees that they obey the banking laws of the State.

The *State Engineer* is an official adviser and superintendent of construction on roads, bridges, drainage projects, and other public works paid for out of State funds.

The *Superintendent of the Penitentiary* has active charge of the State prison and all who are confined in it.

The *Mine Inspector* is charged with the enforcement of the State laws as to safety appliances and good working conditions in mines.

The governing boards of the various State institutions and other officers and boards whose duties are fairly indicated by their titles are too numerous to be listed here.

370. Federal Agencies in the State. — Just as the State commissioner of public lands has charge of the sale, leasing, and general management of all public lands belonging to the State and its institutions, so the *United States Land Offices*

at Santa Fé, Las Cruces, Roswell, Fort Sumner, Tucumcari, and Clayton, each in charge of a "receiver" and a "register," have control of the sale and leasing of the public lands belonging to the Federal government. The *Forest Service* manages the National forests in the State, leases them for grazing purposes, and supervises the cutting of timber in such a way as to conserve the young trees and prevent the entire destruction of the forests.

The *Reclamation Service* is engaged in promoting the agricultural development of the State through such irrigation enterprises as the Elephant Butte Project in the lower Rio Grande Valley and the Hondo and Carlsbad projects in the Pecos Valley. The *Weather Bureau* maintains its service in the State primarily to serve the farming and stock-raising industries by giving advance notice of important changes in the weather. The *Agricultural Experiment Station* at the State College serves the same interests through experimentation in the handling of stock and growing of crops under conditions in the semi-arid Southwest.

REFERENCES

Constitution of New Mexico, Art. V, the Executive Department; Art. XI, Corporations other than Municipal; Art. XIII, Public Lands.

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J. H. FINLEY and J. H. SANDERSON, *The American Executive and Executive Methods* ("American State" Series), 3-184.

J. Q. DEALEY, *Growth of American State Constitutions*, 160-171, 285-290.

A. N. HOLCOMBE, *State Government in the United States*, 280-344.

W. B. MUNRO, *The Government of the United States*, 431-472.

P. S. REINSCH, *Readings on American State Government*, 1-40, 222-327.

QUESTIONS FOR DEBATE

Resolved, That the constitution should be so amended as to lengthen the governor's term and make him eligible for reelection indefinitely.

Resolved, That the governor should be elected by the people and that all other officers of the executive department should be appointed by the governor and responsible to him.

QUESTIONS ON THE TEXT

1. Who compose the executive department? What are their qualifications? How long do they hold office? What salaries do they receive?
2. What are the executive powers of the governor? How does the power of appointment give the governor control of public affairs? What is the "spoils system"?
3. How should the pardoning power be used? How does the governor exercise legislative power?
4. What are the duties of the lieutenant governor? The secretary of state?
5. What officials have charge of State finances? What are the duties of each?
6. Why does the commissioner of public lands have a particularly responsible position?
7. What is the function of the State corporation commission?
8. Name some of the important officers and boards appointed by the governor and give their duties.
9. What are the purposes of the United States Land Office, the Forest Service, the Reclamation Service, and the Agricultural Experiment Station?

CHAPTER XXI

THE COURTS OF THE STATE

371. Introductory. — The judicial power of the State is vested in

1. The Senate when sitting as a court of Impeachment.
2. The Supreme Court.
3. The District Courts.
4. The Probate Courts (one in each county).
5. The Justice of the Peace Courts (one in each precinct).
6. Any other courts inferior to the district courts, which the legislature may establish or authorize, such as the juvenile courts (one in each county) and the police courts in our cities.

I. THE SUPREME COURT

372. Jurisdiction of the Supreme Court. — At the head of the court system of the State stands the Supreme Court with a sort of supervising control over all the lower courts. It has both original and appellate jurisdiction.¹

1. The Supreme Court has *original jurisdiction* in only two classes of cases: (1) in a *quo warranto* proceeding against a State officer or State board; that is, in a suit brought against an officer or board to make him show by what warrant, or right, he holds his office, or why he should not be removed from it by the court; and (2) in a *mandamus*

¹ A court has original jurisdiction when a case may be begun or originated in it; it has only appellate jurisdiction if the case must be begun in a lower court and brought up to it by appeal.

proceeding against such officers; that is, in a suit asking the court to issue a specific order or command to them to do certain specific things or perform certain duties.

2. Its *appellate jurisdiction* extends to all final judgments and decisions of the district courts, and to such other orders and decisions of those courts as the legislature may prescribe. This is the field of the court's real power. It is a rare thing indeed for a case to be begun before the Supreme Court, but cases are constantly being brought up by appeal from the district courts to have important points of law settled by its decision. For the full and complete exercise of its jurisdiction it may issue all writs and other orders necessary for hearing and determining the cases brought before it.

The decision of the Supreme Court is final in every case brought before it involving only the laws of New Mexico; but if it denies any power or authority claimed under Federal law, the defeated party may appeal to the Supreme Court of the United States.

373. Sessions of the Supreme Court. — The Supreme Court has but one term a year, beginning on the second Wednesday in January and continuing throughout the year, with such recesses as the justices may think proper. But we must avoid the error of thinking of this as a whole year's public session such as we see now and then for a short period of time in each county. The Supreme Court holds these open, public sessions for hearing oral arguments by attorneys in important cases before it three times each year, beginning on the second Wednesday in January and the first Mondays in May and September and continuing as long as business demands. During the remainder of the year it is "in session" only in the sense that the justices

are in their offices in the State Capitol and ready to transact proper judicial business 'in chambers' at any time.

374. Supreme Court Judges. — The Supreme Court is composed of three justices elected for terms of eight years each, only one being elected at a time. They must be at least thirty years of age and "learned in the law," and must have resided in the State as practicing lawyers or judges at least three years before election. No one of them is elected as chief justice, but the one having the shortest term to serve is, because of that fact, chief justice of the court. That means that the oldest (and therefore most experienced) of the three under the regular eight-year term will be the head of the court at any given time, and that the younger members will be associate justices. A judge elected to fill an unexpired term never becomes chief justice.

The supreme judges receive a salary of \$6,000 a year and are eligible to succeed themselves indefinitely. The legislature might, if there were any necessity for it, increase the number of judges to five, which is the limit set by the constitution.

A vacancy in the Supreme Court is filled by the governor's appointment until the next general election, when a justice will be elected to fill the unexpired term.

375. Other Officers of the Court. — The judges of the Supreme Court appoint a *clerk* to prepare the "docket" or official list of cases coming before the court, to issue the court's orders, and to keep the official record of business transacted; a *bailiff* to serve writs and carry out other orders of the court in much the same fashion that a sheriff executes the orders of the courts in his county; and a *reporter* to prepare for publication the permanent official

record of every case heard and decided by the court. These published reports are the highest official explanation of the law of the State on the points that have come before the court.

II. THE DISTRICT COURTS

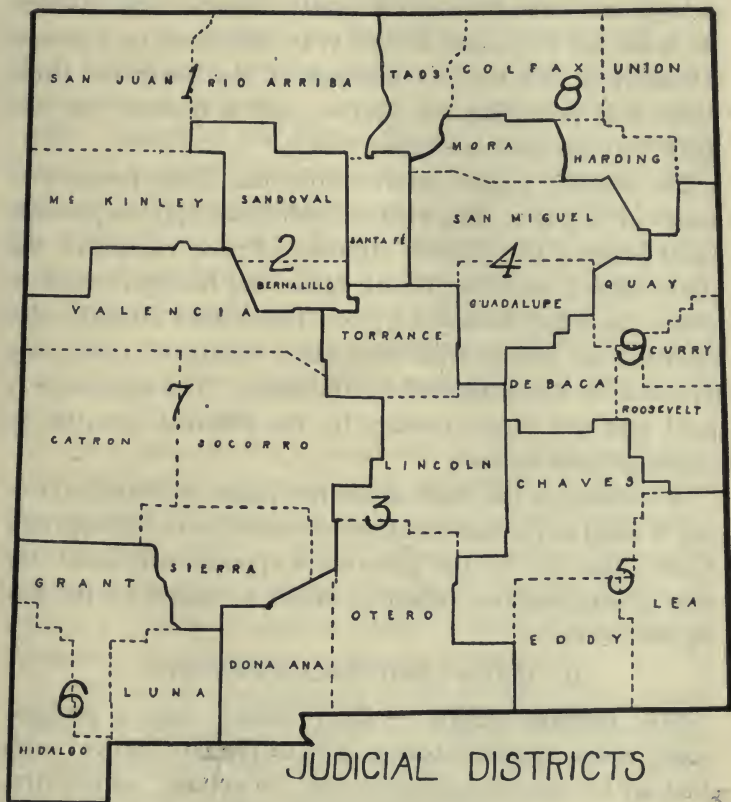
376. Judicial Districts. — The State is divided into nine judicial districts containing the following groups of counties : —

- I. Santa Fé, Rio Arriba, San Juan, and McKinley.
- II. Bernalillo and Sandoval.
- III. Doña Ana, Otero, Lincoln, and Torrance.
- IV. San Miguel, Mora, and Guadalupe.
- V. Eddy, Chaves, and Lea.
- VI. Grant, Luna, and Hidalgo.
- VII. Socorro, Valencia, Sierra, and Catron.
- VIII. Taos, Colfax, Union, and Harding.
- IX. Curry, De Baca, Quay, and Roosevelt.

377. Importance of the District Courts. — The great volume of legal business of the State is transacted in the district courts. They have practically an unlimited *original jurisdiction* to hear and determine both civil and criminal cases, and *appellate jurisdiction* over all actions begun in the probate courts and justice of the peace courts below. Not only are most of the civil suits brought in the district courts and most of the prosecutions for crime begun in them, but the large majority of all cases are finally settled there. Yet an appeal from the decision of the district court in any case may be taken to the State Supreme Court. Each district court holds two regular sessions a year at the county seat of each county in the district. The district

judge is *ex officio* judge of the juvenile court in each county of his district.

378. District Judges and Attorneys. — There is one



district judge elected for each of the nine judicial districts. His term of office is six years, his qualifications the same as the qualifications for justices of the Supreme Court (sec. 374), and he must be a resident of the district in which he is elected.

There is one district attorney in each district. It is his duty to conduct the prosecution of all persons accused of criminal offenses against the laws of the State and to act as legal adviser to the various county officers in his district. He is elected for a term of four years and must be a person "learned in the law," a resident of the State for three years next preceding his election, and a resident of the district at the time of election.

The district judges receive from the State treasury a salary of \$4,500 a year, with an additional \$750 as juvenile court judges; the district attorneys, \$3,000 except in the sixth district, including Grant, Luna, and Hidalgo counties, where the salary is only \$2,750. The district attorney also receives his salary from the State treasury; but only \$1,000 of it is contributed by the State. The remainder is paid into the State treasury by the different counties in amounts fixed by law.

A vacancy in the office of district judge or district attorney is filled in the same manner as vacancies in the Supreme Court, that is, by the governor's appointment until the next general election, when an officer is chosen for the unexpired term.

III. COUNTY AND PRECINCT COURTS

379. Probate Courts. — Each county has a probate court whose special business it is to probate (prove) wills that are brought in to be recorded, to appoint administrators of the estates of people who die without making a will, to appoint guardians for orphan children, and to examine the accounts and control the actions of executors and administrators of estates. There are six regular sessions a year. Appeal may be taken from any decision of the probate court to the district court.

Probate judges are county officers elected for a period of two years. They receive a salary of \$800 in first-class counties; \$600 in second-class counties; \$400 in third-class counties; and \$300 in fourth- and fifth-class counties (sec. 402). A vacancy in the office of probate judge is filled temporarily by the county clerk until the county commissioners appoint a person for the unexpired term.

380. Justice of the Peace Courts. — In each precinct there is a justice of the peace court for hearing small civil suits and trying persons accused of petty misdemeanors.¹ The limit of punishment by a justice of the peace is a fine of \$100 or six months' imprisonment in the county jail or both fine and imprisonment; but the justice also has considerable power as a "committing magistrate" to hold accused persons for action by the grand jury and the district courts.

In civil suits also he is restricted to hearing small controversies over money or personal property not over \$200 in amount and may not hear any kind of suit concerning title to land, title to public office, or other important business. In other words, the justice of the peace is strictly a "judge in small matters"; and appeals may be taken from his judgments to the district court.

A civil suit in the justice's court must be tried before a jury if either party requests it; and in a criminal case the accused person may demand a jury. In either case the jury will consist² of six voters of the precinct.

381. Civil and Criminal Law. — The laws concerning the personal and business relations of one person to another in such matters as contracts, deeds, mortgages, and the

¹ Crimes are classified as felonies or misdemeanors. A felony is a crime punishable with death or imprisonment in the State penitentiary; any crime receiving a smaller punishment is a *misdemeanor*.

ownership of real and personal property, but not affecting the general peace and safety of the community, are called *civil laws*; and lawsuits concerning any of these matters are called *civil cases*.

Those laws, on the other hand, which provide for the protection of the State and society from disorder through the prevention and punishment of crime are called *criminal laws*. They provide for the punishment of stealing, libel, slander, murder, and numerous other offenses against the dignity of the State and the safety of the people. Suits brought by the State for the violation of these laws are called *criminal cases*.

382. Civil Cases. — In a civil case two parties (individuals, groups, or corporations) are in dispute over some rights or powers under the law, which they have not been able to settle between themselves. One of them appeals to the court to hear the facts of the controversy and settle it for them according to law. The party that first takes the matter into court is called the *plaintiff*; the other is known as the *defendant*. Neither is a criminal under arrest. They are simply parties to a private business controversy which the court is asked to settle; and there may be no jury at all, or if there is one, it merely passes on disputed questions of fact. Each party pays his own lawyer unless the court orders the other party to pay the costs of the trial. The State is not a party to the suit at all; it simply provides the facilities for settling it according to law.

383. Criminal Cases. — In a criminal case the whole procedure is different. The man who commits a crime is endangering the peace and safety of the community. The State must, therefore, become a party to the affair and deal with him in such a way as to discourage criminal conduct.

For example, John Doe assaults a man by striking him or steals money from him; the injured person or some one else under oath reports the facts to a justice of the peace. The justice issues a warrant for the arrest of Doe and brings him before the justice of the peace to answer for a crime against the State. If there were persons who saw the act they are summoned as witnesses. Doe may demand a jury of six men and have a lawyer to defend him; and the State may be represented by the district attorney to prosecute him. If Doe is guilty and the punishment which the law prescribes for his offense is not more than a \$100 fine or six months' imprisonment in the county jail or both, the justice of the peace may pass sentence on him. If the legal punishment is greater than that, all that the justice can do is to commit Doe to jail to await the action of the grand jury and a trial at the next session of the district court in the county.

If the justice imposes a fine on Doe or sentences him to imprisonment, Doe's lawyer may appeal the case to the district court for a new trial, if he thinks the trial before the justice of the peace has not been fair or that the decision is not according to the law.

384. Trial by Jury. — At the next term of the district court Doe's case will come up for an entirely new trial by jury as if there had been no trial before the justice of the peace. A trial jury, or petit (small) jury, consists of twelve men who hear all the evidence in the case and are sworn to render a verdict (true statement) of "guilty" or "not guilty" according to the law as explained by the judge and the facts proved in this particular trial. Whether or not the man is known to be an habitual criminal will have little weight in determining the verdict of the jury as to

whether he is guilty of this particular offense; though if he is found guilty, it may have very great weight in determining whether the judge will give him a light sentence or the heaviest punishment the law allows.

Here again, as in the former trial before the justice of the peace, after Doe has been convicted and sentenced, his lawyer may appeal the case to the State Supreme Court if he thinks the district judge has made any serious errors in the conduct of the trial, such as ruling out important evidence or making a faulty interpretation of the law in his instructions to the jury. But in the Supreme Court there is no new trial. That court merely decides the disputed points of law and procedure and either "affirms" or "reverses" the decision of the district court. If it affirms the decision, the case is closed and Doe must accept his punishment. If it reverses the decision, he will get a new trial in the same district court.

385. The Grand Jury. — If in the case just described Doe had not been brought to trial before a justice of the peace, he would probably have been brought before the district court by an *indictment* or *presentment* by a grand (large) jury.

A grand jury is a jury of eighteen to twenty-four men whose duty it is to hear evidence concerning reported cases of crime or acts contrary to the public welfare. These reports usually go to the grand jury in the form of a *bill of indictment* drawn up by the district attorney. If the grand jury's investigation brings out no evidence of guilt, they return the bill of indictment marked "not a true bill." But if there is probability that the accused person is guilty, they return the indictment marked "a true bill," and he has to stand trial before a jury in court. At least eighteen

members of a grand jury must be present to transact business, and it takes the consent of twelve members to return "a true bill." Information as to cases of law-breaking of which members of the grand jury have knowledge may be furnished to the court without waiting for a bill of indictment. Such a report is called a *presentment* and usually leads to an investigation under a bill of indictment.

IV. FEDERAL COURTS

386. New Mexico a Federal District. — As we live under Federal as well as State law, we have in New Mexico Federal courts as well as State courts. New Mexico is one judicial district in the eighth Federal circuit, and regular terms of the United States district court are held at Santa Fé beginning on the first Mondays in April and October. These courts are ordinarily held by the one Federal district judge who resides in the State. Cases before them are conducted for the government by the United States district attorney; and the orders of the court are carried out by the United States marshal, whose duties are similar to those of the sheriff in a county.

All these officers of the Federal court are appointed by the President and paid by the United States government. The district judge holds office during good behavior and receives a salary of \$7,500 a year. The United States marshal and attorney are appointed for terms of four years and receive a salary of \$4,500 a year each.

REFERENCES

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S. E. Baldwin, *The American Judiciary* ("American State" Series, 125-136, 152-285.

J. Q. DEALEY, *Growth of American State Constitutions*, 172-181, 290-292.

A. N. HOLCOMBE, *State Government in the United States*, 345-393.

W. B. MUNRO, *The Government of the United States*, 498-500.

P. S. REINSCH, *Readings on American State Government*, 140-221.

QUESTIONS FOR DEBATE

Resolved, That the trial jury of twelve men should be abolished and all cases tried before a jury of five men trained in the law.

Resolved, That the judges of the Supreme Court should be appointed by the governor instead of being elected by the people.

QUESTIONS ON THE TEXT

1. In what courts is the judicial power of the State vested?
2. Do you see any good reason why the Supreme Court should have but little original jurisdiction?
3. How does the chief justice get his office? What salary do the supreme judges receive?
4. Why are the district courts important? How many of them are there? What salary do the judges receive?
5. What are the qualifications of supreme and district judges?
6. What are the duties of the district attorneys?
7. What are the functions of the probate courts? The justice of the peace courts?
8. Distinguish felony from misdemeanor.
9. If the maid steals the silver teapot, how may the mistress proceed against her? Is this a civil or criminal case? Why? Will the grand jury have anything to do with it? The petit jury? Why?

CHAPTER XXII

THE PUBLIC SCHOOL SYSTEM ¹

387. Introduction. — In the United States we have no Federal system of education. The nearest approach to such a system is found in the agricultural colleges of the country. The facts concerning the control of the State school system fall logically under the powers and duties of the various officials of the State, county, and local government. But they can be more clearly and systematically set forth as a unit; and the supreme importance of public education in a democracy justifies the treatment of the subject in a separate chapter.

388. The State Board of Education. — The general control and supervision of the public school system is placed in the hands of the State board of education, subject to the constitution and laws of the State. The board consists of seven members. The governor and superintendent of public instruction are *ex officio* president and secretary. The other five members are appointed by the governor with the approval of the State Senate for terms of four years each, two being appointed at one time and three at another in the odd-numbered years, so that the board is a continuing body with some of its members going out and others coming in every two years. One member must be a county superintendent of schools; one, the head of a State

¹ Reread Chapter XIV, especially secs. 258-275.

educational institution; one other, a practical educator; and the remaining two may come from any field of activity. Not more than three of the five appointed members may belong to the same political party.

The board has charge of the certification of teachers, the management of teachers' institutes, prescribing the course of study, and the adoption of a uniform series of textbooks (not to be changed oftener than once in six years) for the common schools. It holds four regular meetings each year and such special meetings as its business may require. The members receive a compensation of five dollars a day for their services and an allowance of five cents a mile each way for traveling expenses.

389. The Superintendent of Public Instruction. — The State superintendent of public instruction is elected by popular vote for a term of two years at each general election. He must be a citizen of the United States, thirty years of age, a resident of the State for the five years next preceding his election, and a trained and experienced educator. He receives a salary of \$3,000 a year, and has an assistant, appointed by himself.

The State superintendent is secretary and chief executive officer of the State board of education. On his shoulders falls the burden of putting into effective operation its general plans and policies. On his training, experience, and wise leadership depends, to a very large extent, the efficient and harmonious development of the whole public school system. He interprets the school law and supervises its enforcement throughout the State, visits the various counties and institutions, holds teachers' meetings, and confers with county superintendents and school boards. Four times a year — in March, June, September, and

December — he apportions the State current school fund to the counties according to the number of children of school age (five to twenty-one years).

Nobody but an educational expert of the highest order should ever be elected to this high office; he should be provided with an adequate salary; and his election should be placed in the spring with other school elections in



CONSOLIDATED RURAL SCHOOL IN CURRY COUNTY

order to get it away from the partisan influence of the general election. His term of office should be lengthened to at least four years

390. The County Board of Education. — The county unit law places the administration of the rural schools in each county under the control of the county board of education and the county superintendent of schools. This board is composed of five members. The county superintendent is *ex officio* its chairman and executive officer. The other

four members are appointed by the district judge for terms of four years, two being appointed in each odd-numbered year, so that the board is a continuing body. Not more than two of the appointed members may belong to the same political party.

Subject to the general authority of the State board of education, the county board has complete control of all rural schools and all schools in unincorporated towns and villages. It provides schoolhouses, grounds, equipment, and supplies, changes district lines, consolidates old districts and creates new ones, holds the title to all school property of the county, apportions funds to the different districts, pays out all school moneys, and has full power to approve or disapprove teachers employed by the school directors.

The actual carrying out of these numerous functions of the board lies with its executive officer, the county superintendent, while the board meets from time to time and passes upon his actions.

391. The County Superintendent. — The center and head of the county school system is the county superintendent of schools. He is elected at each general election for a term of two years, must be a legally qualified voter of the county, and may succeed himself but one time. He receives a salary of \$2,000 in first-class counties, \$1,800 in second-class counties, \$1,500 in third-class counties, and \$1,300 in fourth-class counties (sec. 402).

His control over the schools of the county is similar to that of the State superintendent over those of the whole State. He is the county's educational executive and the spokesman of the county board of education. All schools in the county, except those in incorporated cities, towns, and

villages, are under his direct charge and supervision. It is his duty to visit them, conduct teachers' meetings, supervise the work in all its phases, and enforce the compulsory attendance and vaccination laws.

The same changes in the constitution needed for the State superintendent (sec. 389) apply with equal force to the office of county superintendent.

392. School Directors. — Each school district in the county has a board of three directors elected for a term of three years each, one director being elected each year on the second Monday in April. They have immediate charge and responsibility for the schoolhouse and other property of the district, take the school census, collect the poll tax, aid in enforcing the compulsory attendance law, and assist the county board of education in preparing the annual budget. Their power to employ teachers is subject to the approval or disapproval of the county board of education.

393. County High Schools. — Any county may establish one or more county high schools providing free instruction for all children of the county who are of high-school grade. It is a local option arrangement by which each county decides for itself at a special election.

If a county high school is located in an incorporated city, town, or village, it is governed by the board of education of the district. If it is located in a rural district, the county board of education has charge. In either case the governing board makes all general rules and regulations, employs teachers, and provides proper courses of study, which must include work in agriculture, manual training, home economics, and commercial branches. The board may also bond the district in which the county high school

is located to purchase grounds, erect buildings, and provide proper equipment.

Such county high schools are supported by a general county tax of not more than two mills on the dollar over and above the eighteen mills allowed for the general county school fund. If a county establishes more than one county high school, the high-school fund is apportioned among them each year according to their record of attendance for the preceding year.

394. Cities, Towns, and Villages. — The schools in incorporated cities, towns, and villages are separate and distinct from the rural schools and practically independent of the county superintendent and county board of education. They are governed by a board of education of five members elected for terms of four years from the municipality at large on the first Tuesday in April of the odd-numbered years, two being elected at one election and three at the next. An exception to this rule should be noted for a few places incorporated under special acts, where the whole board is elected at one time, on the *second* Tuesday in April. A member of the board of education must be a qualified voter who has resided in the city or town for at least two years and must not be a member of the city or town council.

These boards employ city and town superintendents and, through them, conduct the schools. Incorporated cities have the power to issue certificates to their teachers without requiring them to secure a State certificate. Any incorporated municipal district may by special election bond itself for the erection of school buildings and improvement of school property up to six per cent of its total taxable property.

395. Vocational Education. — The State has a co-operative arrangement with the United States government for vocational training in agriculture, home economics, and trades and industries in high schools and other institutions of the State and for the training of teachers of those subjects under the provisions of the Smith-Hughes Act of Congress. This work is under the joint control of the Federal Government and the State board of education acting as the State board for vocational education, and is under the active supervision of the State director of industrial education appointed by the State board and working under the authority and immediate direction of the State superintendent of public instruction.

396. Compulsory Attendance. — The law requires all children in the State between six and sixteen years of age to attend the public school during the entire length of the term in their district (which must be at least seven months for ungraded schools and nine months for graded schools¹) unless they are attending a private school approved by the State board of education. There are two important exceptions to this rule: attendance is not compulsory for children living over three miles from the school unless there is a public conveyance; and those who are from fourteen to sixteen years of age may be excused from full-time attendance if they are regularly employed. If there are as many as fifteen such cases in any one district, a part-time school must be established for them under rules and regulations of the State board.

397. School Revenues. — The State has two general school funds: the permanent school fund and the current school fund. The permanent fund is derived from the

¹A graded school is one having four or more teachers.

sale of public school lands (sections 2, 16, 32, and 36 in each township) and from the sale of other public lands in the State, five per cent of which goes into the school fund. This permanent fund is invested by the State, and only the interest on it may be spent from year to year. At the present time (1920) the whole fund amounts to only about \$5,000; but as population increases and land values rise the fund should grow to considerable proportions, for the State still owns more than eight million acres of public school lands.

The current school fund is derived from (1) interest on the permanent fund, (2) rentals received from school lands, (3) a general State levy of one half mill on all taxable property, and in a small way from (4) fines and forfeitures imposed by the courts for the violation of law, and (5) from the sale of property left by people who die without heirs and without making a will. This fund, to be spent for the annual maintenance of the schools, is apportioned among the counties by the State superintendent of public instruction four times each year (sec. 389).

The county school budget is made by the county superintendent with the assistance of the district directors and the approval of the county commissioners. The county school fund is derived from (1) the State current school fund, (2) a general county school tax of not over eighteen mills on the dollar, *full valuation*, of all taxable property in the county, and (3) in many of the counties from National Forest revenues, twenty-five per cent of which goes into the school fund of the counties in which the forests are located. It is distributed to all school districts, including incorporated and unincorporated cities, towns, and villages, by the county superintendent on the

basis of their total census, and it must be sufficient to maintain a term of at least seven months in every ungraded school and nine months in every graded school. The poll tax also belongs to the district fund and is collected by the clerk of the board of directors. All other taxes are collected by the county collector.

All rural school grounds, buildings, and permanent equipment are paid for out of district funds raised by special district tax levied by the county commissioners, or by bonds voted by the district for that purpose and not exceeding six per cent of the assessed valuation of the taxable property of the district. For these purposes incorporated cities, towns, and villages may bond themselves in the same way and to the same amount.

398. State Educational Institutions. — The State constitution confirmed the following institutions, which had already been established by the Territory :

University of New Mexico, Albuquerque.

New Mexico College of Agriculture and Mechanic Arts,
State College.

New Mexico School of Mines, Socorro.

New Mexico Military Institute, Roswell.

New Mexico Normal University, East Las Vegas.

New Mexico Normal School, Silver City.

Spanish-American Normal School, El Rito.

New Mexico Asylum for the Deaf and Dumb, Santa Fé.

New Mexico Institute for the Blind, Alamogordo.

The constitution places these institutions under the direct control of the State through boards of five regents appointed by the governor, with the approval of the State Senate, for a term of four years. Not more than three of them may belong to the same political party. By

statute the governor and State superintendent of public instruction are *ex officio* advisory members of all these boards without the right to vote or hold office.

There is a needed change which the legislature could make without the necessity for constitutional amendment. The present arrangement by which all the members of each board go out of office at the same time and a whole new board comes in every four years is thoroughly bad and should be so changed that only a part of each board would be appointed at any one time, as has already been done with the State and county boards of education. The boards of regents would then become continuing bodies with less possibility of sudden political influence detrimental to the welfare of the institutions.

The income of the State institutions is primarily from direct appropriations made by the State legislature and in a smaller way from rentals on lands granted to them by the United States government, except in the case of the Agricultural College, which receives its principal support from the Federal government.

399. The Educational Auditor. — All levies for school purposes in counties, cities, towns, and villages are under the supervision and control of the State educational auditor appointed by the governor for an indefinite term of office and removable by him at any time. All budgets and estimates of county, district, and city boards of education, as well as of State educational institutions, must be submitted to the educational auditor and approved or revised by him before any expenditures of public money may be made for school or institutional purposes.

REFERENCES

- Reports of the State superintendent of public instruction.
Constitution of New Mexico, Art. XII, Education.
Public School Laws compiled by the State Department of Education.
New Mexico Statutes Annotated (Code) of 1915, Chapter XCIX,
Schools and School Districts; CI, State Institutions; and Session Laws of
later date.
P. S. REINSCH, *Readings on American State Government*, 338-363.
J. H. Vaughan, *History of Education in New Mexico*, Chapters VII-IX.

QUESTIONS FOR DEBATE

- Resolved*, That the State superintendent of public instruction should be appointed by the governor for a long term.
Resolved, That sufficient county and local funds, with State aid, should be provided to maintain a nine-months school in every district.
Resolved, That New Mexico should have as good schools as any State in the Union.

QUESTIONS ON THE TEXT

1. What are the functions of the State board of education? Who are the present members? How are they chosen?
2. Why is the office of State superintendent of public instruction especially important? What changes should be made concerning it?
3. How are the county common schools managed and supported? County high schools? City schools?
4. What provision is made for vocational training?
5. What is the rule concerning compulsory attendance? Is it enforced in your district? Why?
6. Name and locate the State educational institutions. How are they supported? How are they managed? How could the management be improved?

CHAPTER XXIII

COUNTY GOVERNMENT

400. Origin of County Government. — When the Spanish colonists in New Mexico began to develop a system of local government, they grouped their scattered settlements and villages into counties, districts, or “jurisdictions” (sec. 150). In like manner the English colonists who settled on the fertile lands of Virginia, the Carolinas, and other southern States scattered out on large plantations and adopted the county as their unit of local government because it was large enough to include a great many plantations.

When these Southerners began to move westward they occupied successive belts of sparsely settled agricultural and grazing country and transplanted to them the county type of government, not only because it was the type to which they were accustomed, but because it was the only one suited to southwestern conditions. In New Mexico the two systems met. Our county type of government, therefore, owes its origin and permanence to both Spanish and English sources.

401. Functions of County Government. — Unlike the State, which has its own large sphere of independent action which cannot be changed by the Federal government, the counties are not independent units with powers of their own, but convenient political divisions for the execution of State law. They were created by the legislature, and their

powers, duties, and even their territory may be changed by the legislature. The government of a county must execute the laws of the State throughout its whole area; collect taxes — State, county, and local; preserve order; make the necessary provision for public education; maintain a



CHAVES COUNTY COURT HOUSE

system of public highways and bridges; and perform any other duties placed upon it by State law.

402. Classification of Counties and County Salaries. — For determining the salaries of county officers the legislature of 1915 classified the counties of the State into five classes on the basis of the assessed valuation of the taxable property in each county, as follows:

First Class, \$14,000,000 or over. Second Class, from \$8,250,000 to \$14,000,000. Third Class, from \$6,500,000 to \$8,250,000. Fourth Class, from \$4,750,000 to \$6,500,000. Fifth Class, less than \$4,750,000.

The official salary schedule is as follows :

	I	II	III	IV	V
County Commissioners . . .	\$ 800	\$ 600	\$ 400	\$ 300	\$ 300
Probate Judge	800	600	400	300	300
Superintendent of Schools .	2,000	1,800	1,500	1,400	1,300
Assessor	3,000	2,200	2,400	1,750	1,200
Treasurer	3,000	2,200	2,400	1,750	1,200
Sheriff	3,500	2,700	2,400	1,750	1,500
Clerk	3,000	2,200	2,400	1,750	1,500
Surveyor, \$10 a day for not more than 150 days a year in first and second class counties, 75 days in third and fourth class counties. 50 days in fifth class counties.					

In addition to these salaries, the assessor, treasurer, and clerk each receive \$1,000 a year for deputy and clerk hire; and the sheriff is allowed deputy hire of \$1,500 in first- and second-class counties, \$800 in third-class counties, \$700 in fourth-class counties, and \$500 in fifth-class counties. Besides, the sheriffs in the one large county of Socorro and in the three border counties of Doña Ana, Luna, and Hidalgo may each have an additional deputy at a salary of \$1,200; and if any one of these border counties is in the second class, its sheriff receives \$3,000 instead of the regular salary of \$2,700 in other counties of that class.

A reclassification of counties on the above basis is made by the State auditor in January after each presidential election (1921, 1925, 1929, etc.), on which the salary schedule will be based for the next four years.

403. The Board of County Commissioners. — The old prefect system of county government in use here in Mexican times, which put the government of the counties largely under the control of the governor's appointees (sec. 150), was continued during the first thirty years of the American period. But in 1876, the same year in which the Anglo-American Common Law was adopted (sec. 352), the prefect system was abolished and the more democratic American board of county commissioners put in its place. The

board consists of three members and holds four regular sessions each year and such special sessions as the county business may require.

Like most other county officers, the board of county commissioners has primarily executive duties to perform. Its chief work lies in carrying out the general laws of the State within the county. It is also a sort of county legislature with power (*a*) to levy county taxes and authorize the spending of county money, and (*b*) to provide for the building and repair of county roads, bridges, courthouses, jails, and other county buildings. It also serves as the canvassing board to make the official count of the votes of the county in every election.

404. County Judicial Officers.—The functions of the county *probate judge* (sec. 379) in the handling of wills, the settling up of estates, and the guardianship of orphan children; and the jurisdiction of the *justice of the peace* (sec. 380) in each precinct over minor civil suits and petty criminal offenses have been explained in the chapter on The Courts of the State.

One important duty of the justice of the peace, however, remains to be considered—the holding of an *inquest* (hearing or inquiry) over any person found dead in his precinct. Whenever any person is found dead under conditions which indicate that the death may have been the result of crime, or which are even open to suspicion, it is the duty of the local justice of the peace to summon a special jury of inquest (commonly known as a *coroner's jury*) composed of six citizens of the precinct to assist him in investigating all the circumstances that may throw any light on the cause of the death. This is not a trial jury, but a special sort of grand jury with only a single case to

investigate. It may summon witnesses and compel them to give evidence. If it finds evidence pointing to some person or persons as having probably committed the crime, it draws up a written verdict to that effect. A warrant will then be issued and the accused persons arrested and held for investigation by the grand jury.

The *constable* is a peace officer of the precinct with duties similar to those of the sheriff in the whole county. On the direction of the justice of the peace he arrests persons accused of crime, summons witnesses and jurors, and carries out other orders of the justice's court. Justices of the peace and constables receive such fees as are prescribed by law, but no regular salary.

405. County School Officers. — The powers and duties of the county board of education, the county superintendent of public instruction, and the district boards of school directors have been discussed in the chapter on The Public School System (secs. 390-392) and do not need to be repeated here.

406. County Financial Officers. — The *assessor's* business is to get all of the taxable property in the county on the tax rolls at a fair valuation so that every man may bear his just share of the expense of government. It is then the duty of the *treasurer*, who is *ex officio collector*, to collect all taxes, have the care and keeping of all county funds, and to pay out public money only on the authority of the county commissioners or the county board of education, or as otherwise provided by law. If the treasurer fails to collect part of the taxes, that throws a heavier burden on those who do pay and is as unjust as if the assessor had made an unfair valuation of their property. The county treasurer collects not only the county and district taxes, but also the county's portion of the State tax.

407. The Sheriff. — The leading peace officer of each county is the sheriff, whose duty it is (1) to arrest and bring into court all persons accused of crime; (2) to summon persons wanted in court as witnesses, jurymen, or for any other purpose; (3) to hold prisoners in the county jail or take them to the State penitentiary as required by law or by the orders of the court; (4) to sell the property of persons who refuse to pay fines or costs according to the orders of the courts or to pay their taxes; (5) to carry out all other orders of the courts; and (6) to *keep the peace*, that is, to suppress all disorder and disturbance without waiting for any court to act. In the performance of these duties he may have regular deputies to assist him and may use force if necessary, even to the extent of calling out all the citizens of the county to assist him in the enforcement of the law.

408. The County Clerk. — All county officers have occasion to keep records of their own official actions; but the county clerk is the county's official recorder and keeper of public records.

1. He must keep a complete record of all deeds, mortgages, and other important legal papers which the law requires to be a matter of public record.

2. He issues marriage licenses and records certificates of marriage ceremonies.

3. He is *ex officio* clerk of the district court for his county. In this capacity he keeps a full and complete record of all business transacted by the district court in his county, records all judgments and decrees of the court and prepares the docket, or official list of cases, for each session.

4. He is *ex officio* clerk of the probate court and the

juvenile court of the county, with duties similar to those in connection with the district court.

5. He is *ex officio* clerk of the board of county commissioners and keeps their seal, makes up the minutes of each meeting, keeps all their books and records, and signs every order of the board for the payment of public money.

6. Because he is the keeper of all these public records he is also the proper officer to furnish official copies of any of them.

409. The County Surveyor. — The official surveys of all lands and boundary lines in the county ordered by the county commissioner thing are made by the county surveyor.

410. Election and Term of Office. — The American principle of "rotation in office" has been carried to the extreme in New Mexico. County officers are elected at the general election in November of the even-numbered years and serve for a term of two years; beginning the first day of the following January. After serving two consecutive terms they are not eligible to hold any county office for the next two years. Justices of the peace and constables (precinct officers) are elected on the first Monday in January of each odd-numbered year and serve two years, beginning the first Monday in February.

411. Filling Vacancies. — A vacancy in the office of county commissioner is filled by the governor's appointment for the unexpired term. The county commissioners fill all vacancies that occur in any other county or precinct offices. This of course does not apply to members of the legislature, who are not county, but district, officers (sec. 340).

REFERENCES

J. A. FAIRLIE, *Local Government in Counties, Towns, and Villages* ("American State" Series), 3-137.

W. B. MUNRO, *The Government of the United States*, 535-559.

QUESTIONS FOR DEBATE

Resolved, That the southern county type of government was better suited to New Mexican conditions than the New England township system.

Resolved, That the term of county officers should be lengthened to four years.

QUESTIONS ON THE TEXT

1. From what two sources is our county type of local government derived? How was it influenced by geography?

2. What are the functions of county government? How are the counties classified?

3. Name your county officers and give the duties and salary of each.

4. If a man is found dead by the roadside, what official action will be taken? May the grand jury have anything to do with the case? The petit jury? Why?

5. What changes can you suggest to improve county government?

CHAPTER XXIV

CITIES, TOWNS, AND VILLAGES

412. Municipal Government. — When the people in a compact and thickly settled district organize themselves for the better control of their local affairs under the provisions of State law, we call the new organization an incorporated village, town, or city — or a *municipal corporation*. The object of these municipal corporations is to furnish more effective control over the common interests of the community than can be secured through the ordinary county government. Streets need to be laid out and improved, sewer systems and sanitary regulations must be provided, water and light plants are needed, and better schools are desired. All these things call for more common activity, more local regulation, the raising of more money by local taxation, and the employment of more officers. To carry out these common undertakings villages, towns, and cities are incorporated.

413. Towns and Villages. — Any community of a hundred and fifty or more people living in an area of not less than forty acres nor more than nine square miles may organize as an incorporated village under a board of six *trustees* composed of a mayor, a clerk, or recorder, and four other trustees elected from the village at large for a term of two years. The trustees may also provide by an ordinance for the election of a marshal, treasurer, and such other officers as are needed. If the entire village is in

one precinct, the justice of the peace of that precinct will be the judge before whom all violations of local ordinances will be tried. If it is in more than one precinct, the town board of trustees may designate one justice of the peace to try all offenders.

When an incorporated village reaches a population of five hundred, it has all the powers and privileges of an incorporated town without the necessity for reincorporating. When the population numbers fifteen hundred, it may incorporate as a town.

The board of trustees in a town or village is the legislative body which passes all rules and ordinances for the local government. The mayor presides at all meetings, votes on all questions, appoints all non-elective officers with the consent of the trustees, and designates the employees to perform particular duties. The town clerk has no vote but keeps an accurate record of all business transacted and all rules and ordinances passed by the trustees.

414. Method of Incorporation. — Prior to 1884 any town in New Mexico that wanted to incorporate had to secure its charter by a special act of the legislature. As late as 1876 there were only three such incorporated places in the Territory. That method was very difficult: everything hinged on political favor. Hence, just as a general law for the organization of business corporations had taken the place of the old special-act plan in 1876 (sec. 368), so in 1884 a general municipal corporation law was passed, under which any place meeting the legal requirements might incorporate as a village, town, or city. That law with some amendments is still in force.

The process of incorporation as a town or village is

very simple. A petition (signed by half the voters for a village, and by two hundred for a town or city) is presented to the county clerk; the county commissioners then order a special election; and the result of the election settles the question of incorporation.

415. Cities. — Any town or village having a population of three thousand may become an incorporated city. Or, when its population reaches two thousand, the board of trustees may petition the governor to proclaim it a city; and on the issuance of such proclamation by the governor the place becomes a city without waiting to reach the three thousand population ordinarily required for the organization of a city government.

416. City Government. — The city council is composed of a mayor elected from the city at large and four aldermen elected one from each of the four wards into which the city is divided. The aldermen are elected for a term of four years; the mayor, city clerk, and treasurer, for two years. The council (mayor and aldermen) passes all ordinances for the government of the city. The mayor has no vote except in case of a tie, when he has a casting vote to break the tie. He may veto any ordinance, but it may then be passed over his veto by a two-thirds vote of the council. He appoints, with the consent of the council, all appointive officers of the city, such as marshal, police, city attorney, and others. He must also sign all commissions, licenses, and permits of every kind granted by the council.

The city council appoints one of the justices of the peace in the city as *police judge*. In his court all persons who violate the city ordinances are tried. He may punish offenders by a fine and imprisonment or both, provided that the imprisonment shall not be for a longer period

than ninety days nor the fine more than \$200. But an appeal may be taken from any decision of the police judge to the district court.

417. Filling Vacancies. — If the office of mayor in a city, town, or village becomes vacant, the council or trustees fill it by appointment until the next municipal election. If there is a vacancy in the council or board of trustees, the mayor fills it by appointment with the consent of the other members, until the next municipal election. In cities having the commission form of government (sec. 419) a vacancy in the office of mayor or member of the commission is filled by the remaining members of the commission.

418. Municipal Elections. — In order to eliminate partisan politics as much as possible from city, town, and village elections they are not held at the time of the general election in November, but on the first Tuesday in April of the even-numbered years. The newly elected officers go into office on the first Monday in May following.

419. Commission Form of Government. — There are so many elective officers in cities and towns, each more or less independent of the other, that it is very difficult for the public to fix the responsibility for bad government. One remedy for this is to have few elective officials and hold them responsible for the entire government of the city — the principle of the "short ballot."

The legislature of 1913 authorized any city, town, or village in the State to adopt a commission form of government with an elective commission composed of a mayor and two commissioners chosen for a term of two years, with power to appoint and remove at will all administrative officers — clerk, attorney, treasurer, engineer, physician,

marshal, and others. This would fix responsibility definitely on the three commissioners and give them complete control over their subordinates. Then in 1917 the legislature went a step further and authorized cities having a population of ten thousand to adopt a charter providing any sort of government they desire so long as it is in conformity with the constitution.

420. Commission-Manager Government. — In 1919, at the request of the city of Albuquerque, the legislature passed a general statute authorizing and controlling the commission-manager form of government for cities of ten thousand inhabitants.

The *commission* consists of five commissioners chosen from five districts into which the city is divided, but voted for by the whole city, the ballot containing the names of all candidates from each district without any party designation. They are chosen for terms of four years and serve without pay. Two are elected at one election and three at the next. The city election must not be on general election day in November. This commission elects one of its number mayor for a term of two years. They pass all ordinances for the government of the city, designate a justice of the peace as police judge, employ a manager to run the government, and fill vacancies in the commission by appointment until the next city election.

Finally, in 1921, the legislature authorized cities having from 3,000 to 10,000 population to adopt the commission-manager form of government with a commission of three elected by the city at large from the three districts into which it is divided for that purpose. They are elected on the second Monday in January of each odd-numbered year for a term of two years. ¹ In all other respects the

government of these cities is like that of a commission-manager city with over 10,000 population.

The *city manager* employed by the commission is the actual executive head of the whole city government. He is chosen without reference to politics, but solely because of his training, executive ability, and fitness for handling the complex problems of governing a modern city. Into his hands is placed practically absolute power over every department of the city's affairs, subject only to general ordinances and the public law of the State. He employs all officers and has full power to dismiss them. If he has incompetent men in charge of the police department, fire department, or any other division of the government, he is responsible, and the commission and the general public know it.

421. Initiative, Referendum, and Recall. — Cities of 10,000 population having the commission-manager form of government may use the newest devices of democratic control over their affairs — the initiative, referendum, and recall.

If the people wish a certain ordinance passed and the commission refuses to do it, they may propose it by an *initiative* petition signed by twenty per cent of the voters, compelling the commission to pass the ordinance or submit it to a popular vote.

Ordinances passed by the commission are also subject to a popular *referendum*. They ordinarily go into effect thirty days after passage, but may be suspended until approved by popular vote if a petition asking for such referendum is signed by twenty per cent of the voters.

The *recall* applies to all elective officers of the city. If fifteen per cent of the voters sign a petition for the recall

of a commissioner, a recall election must be held. If the majority of votes cast at such election is for recalling him, he is dismissed from office and the vacancy filled by the remaining commissioners until the next city election. Otherwise, he continues in office.

REFERENCES

J. A. FAIRLIE, *Local Government in Counties, Towns, and Villages* ("American State" Series), 141-212.

F. J. GOODNOW, *City Government in the United States* ("American State" Series).

W. B. MUNRO, *The Government of the United States*, 560-635.

W. B. MUNRO, *The Government of American Cities*.

QUESTIONS FOR DEBATE

Resolved, That the commission-manager form of city government is superior to that by mayor and aldermen.

Resolved, That the constitution should be so amended as to apply the recall to all elective officers of the State and county governments.

QUESTIONS ON THE TEXT

1. Why do communities desire to incorporate themselves as towns and cities?

2. What is the process of incorporation? Why was the old method bad?

3. How are cities and towns governed? Why are municipal elections not held with the general elections?

4. What are the advantages of the commission form of city government? Of the commission-manager form?

5. Were the laws of 1917 and 1919 (secs. 419, 420) "special legislation" (sec. 343) for the city of Albuquerque, though in the form of general statutes? No other city had 10,000 population. What change was made in 1921?

6. What is the purpose of the initiative? The referendum? The recall?

CHAPTER XXV

PENAL AND CHARITABLE INSTITUTIONS

I. PENAL INSTITUTIONS

422. The State Penitentiary.—The oldest of the State's penal and charitable institutions is the penitentiary at Santa Fé, founded in 1882 to take proper care of a new and increasing element of "hard characters" that drifted in with the railroads in the early eighties and some who were already here and in need of more secure quarters.

The penitentiary is in charge of a superintendent appointed by the governor with the approval of the senate and serving for a term of two years at an annual salary of \$2,400. The general policy of the institution is under the direction of a board of five penitentiary commissioners appointed by the governor, with the consent of the senate, for a term of four years. Not more than three of them may belong to the same political party.

423. Punishment and Reformation.—Under the constitution (Art. XX, Sec. 15), "The penitentiary is a reformatory and an industrial school" as well as an institution for the punishment of crime. Blacksmithing, brick-making, the manufacture of shoes and clothing, and other trades are taught in the penitentiary and regularly followed by the convicts. Such products of these industries as are not used in the institution are sold to the highest bidder and the proceeds applied toward the running ex-

penses, except that the net earnings of a prisoner who has a dependent family are paid over to the family for their support. No convicts can be leased or hired out to work for private individuals or corporations. They must be at all times under public supervision and control by penitentiary officers. A premium is set on good conduct and habits of steady work and obedience to prison regulations by the provision of law which allows a prisoner to shorten his term of service by good behavior.

This is as far as the law has gone in mitigating the hardships of prison life, and is probably as far as it ought to go for the present. It provides a just and humane prison system without adopting any of the "soft fads" of sentimental reformers. And we must not lose sight of the fundamental fact that the protection of society through punishment or the fear of punishment is one of the prime objects of a prison system. Take away that fear and crime will multiply.

The county jail is a place for the serving of short sentences imposed for minor offenses and for holding offenders to await trial.

424. The State Reform School. — The convicts in the county jails and the penitentiary are chiefly people grown up and mature, many of them hardened criminals; and these institutions are organized on that basis. They are, therefore, wholly unsuited for the imprisonment of mere youths who have been convicted of first offenses, if there is to be any prospect of reforming the offenders and restoring them to useful citizenship. Such a work must be done under a different environment and by a different sort of institution.

To meet this need the legislature of 1903 authorized the

establishment of a Reform School for the "confinement, instruction, and reformation of *juvenile offenders* against the laws of the State," who are under eighteen years of age and have been convicted of any offense less than a felony punishable with life imprisonment in the penitentiary.

The school was actually established at Springer in 1909, and young persons of idle, vicious, or vagrant habits, as well as those actually convicted of crime, may be sent to it. Here moral and industrial education, rather than punishment, is the chief aim. The end in view is to take boys who have started wrong in life and reëducate them for good citizenship. Actual imprisonment—for the school is also a prison—is only incidental, a means to the prime aim of reformation. And it is imprisonment under conditions of development and growth.

The Reform School is under the general control of a board of five trustees appointed by the governor under the same general conditions as the board of penitentiary commissioners (sec. 422). The active management of the school is in the hands of a trained superintendent, who is an expert in the handling and training of delinquent boys and in the best practices of modern reform.

425. The Girls' Welfare Home.—The State Reform School at Springer as originally created was intended to care for both boys and girls; but it was not feasible to handle the unruly elements of both sexes in the same institution, and the Reform School became in practice an institution for delinquent boys, leaving delinquent girls not provided for.

To meet this situation the legislature of 1919 created a Girls' Welfare Board composed of five women appointed by the governor, with the approval of the senate, for a term

of two years, to have charge of all girls under the age of eighteen years committed to their care by the district courts. This board established a State Girls' Welfare Home in Albuquerque to receive and train such girls. In this home they are *wards of the court* and subject to its orders.

Girls under eighteen convicted of crime are sent to the home as a matter of course; but conviction of crime is not a necessary condition. If a girl has the reputation of being unmanageable and keeping bad company, or of being one "who habitually violates the compulsory school law," the district court may commit her to the charge of the Welfare Board for training.

All misdemeanors by girls under eighteen are tried by the district courts and all preliminary hearings for more serious offenses by such girls are held before district judges as committing magistrates, instead of before justices of the peace, as would ordinarily be the case. The intent of the law in this respect is plainly to guarantee that every girl accused of crime or bad conduct shall have her hearing or trial in a dignified and orderly court.

II. CHARITABLE INSTITUTIONS

426. Asylum for the Insane. — As the penitentiary at Santa Fé was the first of the State's penal institutions, so the asylum for the insane at Las Vegas, founded in 1889, was the first of the charitable institutions. The object of the asylum is to provide care and medical treatment free of charge for all the insane poor of the State. It is a hospital for those who are sick in mind. Residents of other States who become insane while in New Mexico may be cared for in the asylum when there is room to accommodate them; but if it is crowded, residents of this State are properly given the preference.

The asylum is controlled by a board of five directors, not more than three from the same political party, appointed by the governor, with the consent of the senate, for a term of four years. This board selects a medical superintendent who has active charge and management under the general rules and regulations prescribed by the board.

427. Miners' Hospital. — The legislature of 1903 established a hospital at Raton for the special purpose of providing free treatment and care for injured miners who are unable to pay for proper hospital treatment. To others the facilities of the hospital are available at cost. It is managed by a board of trustees appointed in the same way, and having the same powers and duties as the trustees of the asylum for the insane (sec. 426).

428. The Orphans' Home. — In 1884, before the Territory had established any public charitable institutions of its own, the Territorial legislature adopted the Asylum of the Sisters of Charity at Santa Fé as the New Mexico Orphans' Home and Industrial School under the control of a board of supervisors consisting of the archbishop, the governor, the attorney general, the chief justice of the Supreme Court, and the hospital physician. It was given support from the public treasury and in turn must receive, care for, and educate orphan and dependent children and use its influence to get them properly placed in homes.

This arrangement would have been terminated by the general provision of the State constitution forbidding the payment of public money to any charitable or educational institution "not under the absolute control of the State," if an exception had not been made in favor of those institutions which received an appropriation from the last Territorial legislature (1909). That exception also made possible

the giving of some public support to the Children's Home Society at Albuquerque and about a dozen other private hospitals and schools.

429. Charity and Education. — The Asylum for the Deaf and Dumb at Santa Fé, and the Institute for the Blind at Alamogordo, both founded in 1903, are on the border line between public charity and public education, but should be classed as belonging primarily to the field of education. The reason is obvious: they do not provide care for people of all ages; but they provide for the *education* or *reëducation* of children of *school age* who are unfortunate enough to have lost the power of sight, hearing, or speech. In other words, they are schools investing public money in the training of unfortunate classes of children for useful citizenship.

REFERENCES

Constitution of New Mexico, Art. XIV, Public Institutions.

J. A. FAIRLIE, *Local Government in Counties, Towns, and Villages* ("American State" Series), 225-236.

QUESTION FOR DEBATE

Resolved, That the trials of offenders under eighteen years of age should not be open to the public.

QUESTIONS ON THE TEXT

1. What are the purposes of State prisons? Are they more necessary in a new frontier State than in a better developed region? Why?
2. Why should boys be sent to the State Reform School only as a last resort?
3. What is the object of the Girls' Welfare Home? What girls may be sent to it?
4. Why should the Asylum for the Insane be called a hospital?
5. Show the value of the Orphans' Home and the Children's Home Society.

NOTE ON PRONUNCIATION

Spanish and other foreign proper names are pronounced once where they first appear in the text. The section in which the pronunciation appears is indicated in the Index by figures in parentheses. For example, "Abiquiú, (101)" means that the pronunciation of that name will be found in section 101.

The sound of Spanish *d* is ordinarily that the English *th* in *that* (*d* pronounced with the tip of the tongue touching the upper front teeth); after *l* and *n* and at the beginning a breath-group, however, it approximates English *d*. In Spanish America, as in southern Spain and the Philippines, *c* (before *e* and *i*) and *z* are pronounced like English *s*; and *ll* equals *iy* in sound. These pronunciations are regularly used in the text because they are the standard usage in New Mexico and the Southwest. In indicating pronunciations in this book *y* is always sounded as in *yet*; never as in *my*. In names having two pronunciations, the Spanish has been given for the reason that the Anglicized form can be more easily found elsewhere.

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